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LEGISLATIVE HISTORY

Public Law 86-713

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INDEX AND SUMMARY OF H. R. 8289

Jul. 20, 1959	Rep. Dulski introduced H. R. 8289 which was referred to House Post Office and Civil Service Commission. Print of bill as introduced.
Sept. 3, 1959	House committee voted to report (but did not actually report) H. R. 8289.
Sept. 4, 1959	House committee reported H. R. 8289 without amendment. H. Report No. 1150. Print of bill and report.
Sept. 14, 1959	House passed H. R. 8289 without amendment.
Jan. 7, 1960	H. R. 8289 was referred to Senate Post Office and Civil Service Committee. Print of bill as referred.
Apr. 21, 1960	Senate Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 8289.
Apr. 27, 1960	Senate Post Office and Civil Service Committee reported H. R. 8289 with an amendment. S. Report No. 1295. Print of bill and report.
Jun. 20, 1960	H. R. 8289 was referred to Senate District of Columbia Committee.
Aug. 19, 1960	Senate District of Columbia Committee reported H. R. 8289 with an additional amendment. S. Report No. 1855. Print of bill and report.
Aug. 25, 1960	Senate passed H. R. 8289 as reported by Senate Post Office and Civil Service Committee and subsequently was passed as amended by Senate District of Columbia Committee. Last action actually vacated the first so bill actually passed Senate without amendment.
Sept. 6, 1960	Approved: Public Law 86-713.

DIGEST OF PUBLIC LAW 86-713

COMMENCING DATES OF RETIREMENT ANNUITIES. Amends the Civil Service Retirement Act so as to accelerate the commencing dates of civil service retirement annuities. Provides that the annuity of any retiring employee who is entitled to an immediate annuity will commence the day after separation or on the first day (after salary ceases) after he meets service and age or disability requirements; and a deferred annuity will commence the day after the employee attains a specified age, or after separation if he is then beyond such age. Provides that all retirement annuities will accrue and be payable up to actual date of death or the occurrence of any other terminating event. Provides that survivor annuities elected by retirees at time of retirement will commence the day after the retiree's death or, in the cases of certain individuals retired before Oct. 1, 1956, the day following attainment of age 50 by the widow or dependent widower. Provides that survivor annuities in all cases will terminate the last day of the month before death or any other terminating event occurs.

86TH CONGRESS
1ST SESSION

H. R. 8289

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 1959

Mr. DULSKI introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) section 10 of the Civil Service Retirement Act
4 (70 Stat. 754; 5 U.S.C. 2260) is amended—

5 (1) By striking out paragraph (2) of subsection
6 (a) and inserting in lieu thereof the following:

7 “(2) An annuity computed under this subsection shall
8 commence on the day after the retired employee or Mem-
9 ber dies, and such annuity or any right thereto shall termi-
10 nate on the last day of the month before the survivor's death
11 or remarriage.”

1 (2) By striking out the second sentence in subsection
2 (b) and inserting in lieu thereof the following: "The
3 annuity of such survivor shall commence on the day after
4 the retired employee or Member dies, and such annuity or
5 any right thereto shall terminate on the last day of the
6 month before the survivor's death."

7 (3) By striking out the second sentence in subsection
8 (c) and inserting in lieu thereof the following: "The annuity
9 of such widow or dependent widower shall commence on
10 the day after the employee or Member dies, and such annuity
11 or any right thereto shall terminate on the last day of the
12 month before (1) death or remarriage of the widow or
13 widower or (2) the widower's becoming capable of self-
14 support."

15 (4) By striking out the third sentence in subsection
16 (d) and inserting in lieu thereof the following: "The
17 child's annuity shall commence on the day after the em-
18 ployee or Member dies, and such annuity or any right
19 thereto shall terminate on the last day of the month before
20 (1) his attaining age eighteen unless incapable of self-
21 support, (2) his becoming capable of self-support after
22 age eighteen, (3) his marriage, or (4) his death."

23 (5) In subsection (e) by striking out "(1) shall be
24 paid an annuity equal to one-half of the deferred annuity

1 of such Member beginning the first day of the month fol-
2 lowing the death of such Member and terminating upon
3 the death or remarriage of such surviving wife or hus-
4 band” and inserting in lieu thereof “(1) shall be paid an
5 annuity equal to 50 per centum of the Member’s deferred
6 annuity commencing on the day after the Member’s death
7 and terminating on the last day of the month before death
8 or remarriage of such surviving wife or husband”.

9 (b) Subsections (a), (b), and (c) of section 14
10 of the Civil Service Retirement Act (70 Stat. 757; 5
11 U.S.C. 2264) are amended to read as follows:

12 “(a) Each annuity is stated as an annual amount,
13 one-twelfth of which, fixed at the nearest dollar, con-
14 stitutes the monthly rate payable on the first business day
15 of the month after the month or other period for which it
16 has accrued.

17 “(b) Except as otherwise provided, the annuity of an
18 employee or Member shall commence on the day after sepa-
19 ration from the service, or on the day after salary ceases
20 and the employee or Member meets the service and the
21 age or disability requirements for title thereto. The an-
22 nuity of an employee or Member under section 8 shall com-
23 mence on the day after the occurrence of the event on
24 which payment thereof is based. An annuity otherwise

1 payable from the fund allowed on or after date of enact-
2 ment of this Act shall commence on the day after the occur-
3 rence of the event on which payment thereof is based. :

4 “(c) The annuity of a retired employee or Member shall
5 terminate on the day death or any other terminating event
6 provided in this Act occurs. An annuity otherwise payable
7 from the fund on or after date of enactment of this Act shall
8 terminate (1) in the case of a retired employee or Member,
9 on the day death or any other terminating event occurs, or
10 (2) in the case of a survivor, on the last day of the month
11 before death or any other terminating event occurs.”

12 SEC. 2. Notwithstanding any other provision of law,
13 benefits payable by reason of the amendments made by the
14 first section of this Act shall be paid from the civil service
15 retirement and disability fund,

REPORT TO THE COMMISSION ON THE STATE OF THE
JULY 20, 1929

THE STATE OF

THE STATE OF

A BILL

RECEIVED
JULY 20, 1929
H. B. 8583

80TH CONGRESS
1ST SESSION

H. R. 8289

A BILL

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

By Mr. DULSKI

JULY 20, 1959

Referred to the Committee on Post Office and Civil Service

Sept 3, 1959

(p. 16553). The Committee had voted to report the bill earlier in the day (p. D870).

The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 8289, to revise the Civil Service Retirement Act so as to accelerate the dates on which certain retirement annuities shall commence. p. D870

11. APPROPRIATIONS. Received the conference report on H. R. 8575, the military construction appropriation bill for 1960 (H. Rept. 1146). pp. 16442-3, 16553
Rep. Thomson, Wyo., charged that "Because the majority of the Democrat Party refuses to come to grips with the farm problem, the cost of the Agriculture Department's programs has increased from \$736 million in fiscal year 1951 to \$4 billion this year", and referred to cuts in certain appropriation bills, including this Department's as "phoney cuts." p. 16496
12. FOREIGN TRADE. Concurred in the Senate amendments to H. R. 2411, to provide for the free importation of tourist literature. This bill will now be sent to the President. pp. 16510-1
13. INTEREST RATES. The Ways and Means Committee reported without amendment H. R. 9035, to permit an increase in the interest rates on savings bonds and to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be made without recognition of gain or loss (H. Rept. 1148)(p. 16553). The Rules Committee reported a resolution for consideration of this bill (p. 16553).
14. FARM PROGRAM. Rep. Ullman criticized the Secretary of Agriculture and stated that the family farmer cannot survive without Federal regulation designed "to protect his bargaining power in the market place" and urged support for his bill, H.R. 1070, which he explained would extend the applicability of marketing agreements and orders to field and seed crops--other than wheat, corn, cotton, rice and peanuts. He stated that his bill would not increase Government expenditures and that "there is overwhelming evidence that a self-help price-stabilizing program" is needed on crops not now covered under such a program. pp. 16527-8
15. INFLATION. Rep. Curtin stated that America's senior citizens have been hurt more by inflation than any other group and urged support for his bill to increase the amount of outside earnings by those receiving Social Security benefits. p. 16536
16. INFORMATION; EXECUTIVE PRIVILEGE. The Government Operations Committee submitted the Twelfth Report of the Committee on the availability of information (S. Rept. 1137). p. 16552
17. LEGISLATIVE PROGRAM. Rep. McCormack announced that the House would consider the Labor bill, the Government bond interest increase bill and the military construction appropriation bill today (Sept. 4). He also stated that the House would probably consider the Public Works appropriation bill on Sat., if the House meets then, that the Consent Calendar will be called on Mon. (Labor Day) and that several bills would be considered under motions to suspend the rules. pp. 16517-8

ITEMS IN APPENDIX

18. TRANSPORTATION. Extension of remarks of Rep. Tollefson inserting an article describing the St. Lawrence Seaway as "the fourth seacoast," and discussing the far-reaching benefits of the Seaway. pp. A7673-4
19. FARM PROGRAM. Rep. Breeding commended and inserted an article, "The Farmer Is Still An Important Citizen." pp. A7674-5
Sen. Langer inserted a GTA Daily Radio Roundup discussing subsidy programs and inserting a list of subsidies paid by the United States. pp. A7681-2
20. HALL OF FAME. Extension of remarks of Rep. George favoring the establishment of the Agricultural Hall of Fame, and inserting an article, "A Psychological Boost for the Farmer." p. A7686
21. CONSERVATION. Extension of remarks of Sen. Byrd inserting an article, "Letters to the Star--Favors CCC." pp. A7687-8
22. ELECTRIFICATION. Rep. Hiestand inserted a constituent's letter objecting to the proposed establishment of a public power project on the Snake River Valley, Idaho. pp. A7692-3
23. APPROPRIATIONS. Extension of remarks of Reps. Karth and Hargis criticizing the President's veto of the public works appropriation bill. pp. A7684, A7697
24. SUGAR. Rep. Inouye inserted an address by Slator M. Miller, vice president of the Hawaiian Sugar Planters' Ass'n, "The Origin and Functioning of the U. S. Sugar Act." pp. A7699-701

BILLS INTRODUCED

25. BANKING. S. 2642, by Sen. Frear, to express the intent of the Congress with reference to the regulation of banking; to Banking and Currency Committee.
26. RESEARCH; HEALTH. S. 2645, by Sen. Williams, to authorize the Surgeon General of the Public Health Service to undertake a cooperative worldwide study of the problem of radioactive fallout and other types of radiation hazard and of their effect upon the lives and health of people everywhere, and for other purposes; to Labor and Public Welfare Committee. Remarks of author. pp. 16437-440
27. SURPLUS COMMODITIES. H. R. 9045 and H. R. 9046, to dispose of Government-owned surplus cotton and wheat and to prevent the reaccumulation of new surplus stocks; to Agriculture Committee.
28. FEED. H. R. 9047, by Rep. Burdick, to authorize the sale at market prices or at 1959 support prices, whichever are lower, of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes; to Agriculture Committee.
29. SOIL BANK. H. R. 9059, by Rep. Breeding, to amend the Soil Bank Act by extending the period of time during which the Secretary of Agriculture is authorized to enter into conservation reserve contracts, and for other

Sept 4, 1959

or loss (pp. 16654-74). Rep. Mills stated that the bill "gives the President authority to act as though there were no statutory ceiling on the interest rate on Series E and H bonds...; other detailed provisions include a more generous authorization for the Treasury to permit continued holding of matured savings bonds at current interest rates" (p. 16657). Rejected, 133 to 256, a motion by Rep. Simpson, Pa., to recommit the bill to committee with instructions to include a provision removing the present ceiling on certain long-term securities (pp. 16673-4).

13. MILITARY CONSTRUCTION APPROPRIATIONS, 1960. Agreed to the conference report on this bill, H. R. 8575, and concurred in the one amendment in disagreement with an amendment (pp. 16624-9). This amendment changed the Senate figure for Army military construction from \$278,773,700 to \$263,632,300, including \$1,700,000 to be used only for the purchase of foreign currencies to construct military facilities for the Army Security Agency (p. 16629). The Senate later agreed to the conference report and concurred in the House amendment (pp. 16591-3). This bill will now be sent to the President.
14. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 8289, to revise the Civil Service Retirement Act so as to accelerate the dates on which certain retirement annuities shall commence (H. Rept. 1150), p. 16689
15. BUILDINGS; AGRICULTURAL ATTACHES. The Foreign Affairs Committee voted to report (but did not actually report H. R. 9036, to amend the Foreign Service Buildings Act, to authorize the construction or alteration of certain buildings in foreign countries for use by the U.S., (including USDA foreign attache housing). p.D875
- HOUSE - SEPT. 5
16. FARM PROGRAM; CONGRESSIONAL-EXECUTIVE RELATIONS. Rep. Evins cited the vetoes of two farm bills (wheat and tobacco price support bills) as evidence of what he termed a lack of effort by the Executive to make concessions on legislative issues, and he criticized the Secretary's farm views and administration of the farm program (p. 16699). He reviewed some "helpful legislation for agriculture" enacted this session and stated that if the "spirit of cooperation which has been evidenced on the side of Congress will be reciprocated fully by the executive branch," the farm problem and other legislative difficulties "will be solved." pp. 16698-702
17. FISCAL POLICY; PUBLIC DEBT. Rep. Haley criticized Congress for raising the debt limit without taking steps to pay off the public debt and urged support for his bill, H. R. 5203, which, he stated, would "provide a reasonable method for paying off this tremendous debt we have accumulated." pp. 16693-4
18. ADJOURNED until Mon., Sept. 7. p. 16723

SENATE - SEPT. 5

19. ROADS. Sens. Mansfield and Murray commended the Senate Public Works Committee for including a provision in H. R. 8678, the Federal Aid Highway Act of 1959, to permit the Secretary of Commerce to use the highway emergency fund to pay up to 100 percent of the cost of repair or reconstruction of forest highways or forest roads and trails damaged by natural disasters. pp. 16745-50

20. HOUSING. Sen. Capehart submitted a summary of the new housing bill that he proposes, including a provision for \$75,000 for farm housing research. p. 16730
21. FOREIGN TRADE; SURPLUS COMMODITIES. Further consideration of S. 1748, to extend Public Law 480, was postponed until Mon., Sept. 7. p. 16787
22. INTEREST RATES. The Finance Committee reported with amendments H. R. 9035, to permit the issuance of E and H saving bonds at interest rates above the existing maximum and to permit the Secretary of Treasury to designate certain exchanges of Government securities to be made without recognition of gain or loss (S. Rept. 909). p. 16746
23. INDEPENDENT OFFICES APPROPRIATION BILL, 1960. At the request of Sen. Morse a summary table was inserted on this bill, H.R. 7040, showing a comparison of the estimates with the action taken on each item. pp. 16730-2
24. RECESSED until Mon., Sept. 7. p. 16790

BILLS INTRODUCED

25. PERSONNEL. S. 2649, by Sen. Kefauver, to extend the provisions of the Federal Employees' Compensation Act to State and local law enforcement officers who are killed or injured while, or as a direct result of, enforcing any Federal law; to Labor and Public Welfare Committee. Remarks of author. pp. A7715-6
H. R. 9101 to H. R. 9104 and H. R. 9116, to provide a health benefits program for certain retired employees of the Government; to Post Office and Civil Service Committee.
26. RECREATION. H. R. 9090, by Rep. Kilgore, and H. R. 9099, by Rep. Young, to save and preserve, for the public use and benefit, a portion of the remaining underdeveloped shoreline area of the United States; to Interior and Insular Affairs Committee.
27. PROPERTY. H. R. 9086, by Rep. Broomfield, H. R. 9115, by Rep. Bowles, and H. R. 9117, by Rep. Smith, Iowa, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property; to Interior and Insular Affairs Committee.
28. WHEAT ACREAGE. H. R. 9092, by Rep. McGinley, to amend subsection (b) of section 334 of the Agricultural Adjustment Act of 1938, as amended; to Agriculture Committee.
29. RIVER BASIN. H. R. 9094, by Rep. Rivers, Alaska, to establish the U. S. Study Commission on the Development of the Rivers, Ports, and Drainage Basins (and intervening areas) of the State of Alaska; to Public Works Committee.
30. ASC COMMITTEES. H. R. 9118, by Rep. Teague, Texas, to bring employees of the agricultural stabilization conservation county committees within the purview of any group health benefits program for Government employees; to Post Office and Civil Service Committee.

BILL APPROVED BY THE PRESIDENT

31. APPROPRIATIONS. H. J. Res. 510, the continuing resolution making temporary appropriations to Departments and agencies for September pending the enactment of the remaining regular appropriation bills. Approved Sept. 3, 1959 (Public Law 86-224, 86th Congress).

ADJUSTMENT OF COMMENCING DATES OF CIVIL SERVICE RETIREMENT ANNUITIES

SEPTEMBER 4, 1959.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. MURRAY, from the Committee on Post Office and Civil Service
submitted the following

R E P O R T

[To accompany H.R. 8289]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 8289) to accelerate the commencing date of civil service retirement annuities, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

PURPOSE

The purpose of this legislation is to provide commencing dates for civil service retirement annuities and survivor annuities which are more appropriate than the commencing dates for such annuities and survivor benefits required by existing law.

EXPLANATION OF THE BILL

H.R. 8289 writes into the Civil Service Retirement Act (70 Stat. 743; 5 U.S.C. 2251 et. seq.), as amended, a day-after concept for the commencement of annuities and survivor benefits under such act, in lieu of the first-of-the-month-after concept now contained in such act. The bill also eliminates the existing requirement in the act that annuities accrue and are payable for full months only and substitutes for such requirement provisions relating to termination of annuities which allow accrual and payment of retirement annuities for any portion of a month up to the point at which the right to further annuity payment ceases because of death or the occurrence of any other terminating event.

These changes in the Civil Service Retirement Act are prospective in effect and apply only to the commencement or termination dates of annuities allowed or payable on or after date of enactment. Any added benefits provided for by the bill will be payable from the civil service retirement and disability fund notwithstanding any other provision of law, including any provision of law which requires specific appropriation to cover the cost of such additional benefits.

The annuity of any retiring employee who is entitled to an immediate annuity will commence the day after separation or on the first day (after salary ceases) after he meets service and age or disability requirements. A deferred annuity will commence the day after the employee attains a specified age, or after separation if then beyond such age.

All retirement annuities will accrue and be payable up to actual date of death or the occurrence of any other terminating event. This principle now applies to many existing annuities, but does not apply generally to employees who retired on or after April 1, 1948, or to Members of Congress retiring under the 1956 Civil Service Retirement Act. In the latter cases, annuities now accrue strictly on a monthly basis and terminate the end of the month preceding death or the occurrence of any other terminating event. H.R. 8289 will provide uniform treatment for all retirement annuities in this respect under the new day-after concept established by the bill, as pointed out above.

Survivor annuities elected by retirees at time of retirement will commence the day after the retiree's death or, in the cases of certain individuals retired before October 1, 1956, the day following attainment of age 50 by the widow or dependent widower. All survivor annuities payable by operation of law based on service of a deceased employee or a Member of Congress will commence the day after death of the employee or Member or, for certain deaths which occurred before October 1, 1956, the day after the surviving spouse attains age 50, as the case may be.

Survivor annuities in all cases will terminate the last day of the month before death or any other terminating event (such as remarriage) occurs. In general, survivor annuities now terminate on this same basis. The bill continues this principle since there is no reason, in such cases, for adjudicating and settling a claim by an estate for a very small sum covering days in the month in which the survivor annuitant's death occurs when the obligation of the Government to the deceased survivor has been fully satisfied and there is no obligation to the estate.

The committee desires to emphasize the different treatment accorded the commencement dates of survivor annuities, as explained above. This new provision for commencement dates is a major liberalization in behalf of widows and dependent children, since the bill will make their survivor benefits payable immediately after death of the employee or annuitant whereas under existing law such benefits are not payable until the beginning of the next month which may leave them without badly needed income for as much as 30 days after death of the employee or annuitant.

H.R. 8289 has the unanimous support of the Post Office and Civil Service Committee and is approved by the U.S. Civil Service Commission.

COST

The report of the U.S. Civil Service Commission contains no estimate of additional cost, but in the judgment of the committee such additional cost will be relatively small and is fully justified, as pointed out in the Commission's report, by the fact that the bill adopts payment provisions which would operate with maximum liberality under a law which is beneficial in nature.

ADMINISTRATIVE REPORT

The favorable report of the U.S. Civil Service Commission follows:

CIVIL SERVICE COMMISSION,
Washington, D.C., August 27, 1959.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Old House Office Building.

DEAR MR. MURRAY: This refers further to your July 23, 1959, request for Commission report on H.R. 8289, a bill to accelerate the commencing date of civil-service retirement annuities, and for other purposes.

H.R. 8289 proposes to depart from the first-of-the-month after concept now in effect for commencing annuities under the Retirement Act and substitute for it a day-after concept. The bill would also delete the current specification that annuities accrue and are payable for full months only, adding termination provisions which would allow accrual and payment of retirement annuity for any portion of a month up to the point at which the retiree's right to further annuity payment ceases—due to death or the occurrence of any other terminating event.

The changes proposed by H.R. 8289 would operate purely prospectively, applicable only to commencement or termination of annuities allowed or payable from the retirement fund on or after its enactment date. Any added benefits resulting would be payable from the retirement fund, notwithstanding any other provision of law. The effect the bill would have on payment of the various annuities is outlined below.

RETIREMENT ANNUITIES

Commencement

Immediate annuity to a retiring employee or Member of Congress would commence the day after separation from service, or the first day after salary ceases on which the individual meets the service and the age or disability requirements for title to the annuity. Deferred annuity would commence the day after occurrence of the event giving rise to payment of the benefit; i.e., the day after attainment of a specified age or after separation if then beyond that age.

Immediate annuities of Members of Congress already commence on the basis here proposed (Public Law 83-303, effective April¹, 1954), but such annuities to employees generally may not begin under present law until the first of the month following separation, etc. Deferred annuities in all cases presently commence the first of the month following the occurrence of the event on which payment of the benefit is based.

4 COMMENCING DATES OF CIVIL SERVICE RETIREMENT ANNUITIES

Termination

All retirement annuities would accrue to and terminate upon the date of death or upon the date when annuity is required to cease by occurrence of any other terminating event.

Many existing retirement annuities allowed under earlier provisions of the retirement law now accrue and are terminable on this same basis. However, annuities of employees retired under provisions of law in effect since April 1, 1948, and of Members of Congress retired under provisions in effect since October 1, 1956, all now accrue on a strict monthly basis and terminate the end of the month preceding death or the occurrence of any other terminating event.

SURVIVOR ANNUITIES

Commencement

Survivor annuity established by election of a retiree would commence the day after the retiree's death or, in the case of certain employees or Members retired before October 1, 1956, the day following the widow's or widower's attainment of age 50. All survivor annuities payable by operation of law in deceased employee or Member cases would commence the day after the death of the employee or Member or, for certain deaths which occurred before October 1, 1956, the day after the surviving spouse attains age 50 where title to such deferred survivor annuity is involved.

Some survivor annuities provided by election now commence the day after the death of the retiree, but in cases of employees retired on or after April 1, 1948, and of Members retired on or after April 1, 1954, any immediate annuity to named survivor commences the first of the month in which the retiree dies, thereby affording annuity at the lower survivor rate for the portion of that month during which the retiree lived. Where a spouse is entitled to deferred annuity at age 50, by election of a retiree or by operation of law, the survivor annuity now commences the first of the month after the spouse attains age 50. An immediate survivor annuity payable by operation of law in deceased employee or Member cases now commences the first of the month following date of death of the employee or Member.

Termination

Under the bill, survivor annuity in all cases would terminate the last day of the month before death or any other terminating event occurs.

In general, survivor annuities now terminate on this same basis. The logic for this is sound. When the survivor dies, annuity usually has been paid to the end of the month preceding death, and no reason appears for adjudicating and settling a claim for a small sum of unpaid survivor annuity with the estate or heirs of a person who had no direct connection with the Federal Government.

This proposal is not objectionable in principle. In general it would result in payment of more annuity than is now authorized in the various situations it would affect. Since the Civil Service Retirement Act is a beneficial law, the changes proposed would be in keeping with the spirit of the retirement law.

The considerations are not all in favor of departing from the existing provisions on payment of annuities, however. Paying annuities on a full-month basis minimizes individual and odd-amount transactions

and greatly facilitates all aspects of the work of processing annuity payments—vouchering, disbursement, and accounting—both within the Commission and in the Treasury Department. In short, present annuity payment provisions are more convenient and less costly administratively than would be the case under the bill's provisions. In addition, the bill would extend the duration of annuities, thus resulting in greater benefit expenditures from the retirement fund. We are unable to furnish estimates on the extent to which either of these cost factors—administrative expense or benefits payments from the fund—would be increased by enactment of this bill, but both cost factors would increase materially. Then too, this proposal would amend the Civil Service Retirement Act only, leaving the present statutory provisions still applicable to other Federal civilian retirement systems and military retirement plans.

There are accordingly considerations for and against enactment of this proposal. In its favor is the fact that it would adopt payment provisions which would operate with maximum liberality under a law beneficial in nature. Against it are the considerations of added costs and work. The Commission's position is that if Congress determines that the considerations in favor of the proposal outweigh those against it, we will not object to the proposal's enactment into law.

We understand that H.R. 8289 is a substitute for H.R. 4164. Under such circumstance, no report will be submitted in respect to H.R. 4164.

The Bureau of the Budget advises that there would be no objection to the submission of this report to your committee.

By direction of the Commission:

Sincerely yours,

ROGER W. JONES, *Chairman.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTIONS 10 AND 14 OF THE CIVIL SERVICE RETIREMENT ACT, AS AMENDED

SURVIVOR ANNUITIES

SEC. 10. (a) (1) If a Member or employee dies after having retired under any provision of this Act and is survived by a wife or husband designated under section 9(g) such wife or husband shall be paid an annuity equal to 50 per centum of so much of an annuity computed as provided in subsections (a), (b), (c), (d), (e), and (f) of section 9, as may apply with respect to the annuitant, as is designated in writing for such purpose by such Member or employee at the time he makes the election provided for by section 9(g).

(2) An annuity computed under this subsection shall [begin on the first day of the month in which] *commence on the day after* the retired employee or Member dies, and such annuity or any right thereto shall terminate [upon] *on the last day of the month before* the survivor's death or remarriage.

6 COMMENCING DATES OF CIVIL SERVICE RETIREMENT ANNUITIES

(b) The annuity of a survivor designated under section 9(h) shall be 50 per centum of the reduced annuity computed as provided in subsections (a), (b), (c), (d), (e), (f), and (h) of section 9 as may apply with respect to the annuitant. The annuity of such survivor shall **[begin on the first day of the month in which]** *commence on the day after the retired employee or Member dies, and such annuity or any right thereto shall terminate [upon] on the last day of the month before the survivor's death.*

(c) If an employee or a Member dies after completing at least five years of civilian service, the widow or dependent widower of such employee or Member shall be paid an annuity equal to 50 per centum of an annuity computed as provided in subsections (a), (b), (c), (e), and (f) of section 9 as may apply with respect to the employee or Member. The annuity of such widow or dependent widower shall **[begin on the first day of the month]** *commence on the day after the employee or Member dies, and such annuity or any right thereto shall terminate [upon death or remarriage of the widow or widower, or upon] on the last day of the month before (1) death or remarriage of the widow or widower or (2) the widower's becoming capable of self-support.*

(d) If an employee or a Member dies after completing at least five years of civilian service, or an employee or a Member dies after having retired under any provision of the Act, and is survived by a wife or by a husband, each surviving child who received more than one-half of his support from such employee or Member shall be paid an annuity equal to the smallest of (1) 40 per centum of the employee's or Member's average salary divided by the number of children, (2) \$600, or (3) \$1,800 divided by the number of children. If such employee or Member is not survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (1) 50 per centum of the employee's or Member's average salary divided by the number of children, (2) \$720, or (3) \$2,160 divided by the number of children. The child's annuity shall **[begin on the first day of the month]** *commence on the day after the employee or Member dies, and such annuity or any right thereto shall terminate [upon] on the last day of the month before (1) his attaining age [18] eighteen unless incapable of self-support, (2) his becoming capable of self-support after age [18] eighteen, (3) his marriage, or (4) his death. Upon the death of the surviving wife or husband or termination of the annuity of the child, the annuity of any other child or children shall be recomputed and paid as though such wife, husband, or child had not survived the employee or Member.*

(e) In case a Member separated from service with title to a deferred annuity under this Act, either prior to, on, or after the effective date of the Civil Service Retirement Act Amendments of 1956, shall hereafter die before having established a valid claim for annuity and is survived by a wife or husband to whom married at date of separation such surviving wife or husband (1) shall be paid an annuity equal to **[one-half of the deferred annuity of such Member beginning the first day of the month following the death of such Member and terminating upon the death]** *50 per centum of the Member's deferred annuity commencing on the day after the Member's death and terminating on the last day of the month before death or remarriage of such surviving wife or husband or (2) may elect to receive a lump-sum credit in lieu of annuity if such wife or husband is the person who would be entitled*

to the lump-sum credit and files application therefor with the Commission prior to the award of such annuity.

* * * * *

PAYMENT OF BENEFITS

SEC. 14. (a) Each annuity is stated as an annual amount, one-twelfth of which, fixed at the nearest dollar, [accrues monthly and is] *constitutes the monthly rate* payable on the first business day of the month after [it accrues] *the month or other period for which it has accrued.*

[(b) Except as otherwise provided, the annuity of an employee shall commence on the first of the month after separation from the service, or on the first of the month after salary ceases provided the employee meets the service and the age or disability requirements for title to annuity at that time. The annuity of a Member or of an elected officer of the Senate or House of Representatives shall commence on the day following the day on which salary shall cease, provided the person entitled to such annuity meets the service and the age or disability requirements for title to annuity at that time. The annuity of an employee or Member under section 8 shall commence on the first of the month after the occurrence of the event on which payment of the annuity is based.]

(b) Except as otherwise provided, the annuity of an employee or Member shall commence on the day after separation from the service, or on the day after salary ceases and the employee or Member meets the service and the age or disability requirements for title thereto. The annuity of an employee or Member under section 8 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this Act shall commence on the day after the occurrence of the event on which payment thereof is based.

[(c) An annuity shall terminate on the last day of the month preceding the month in which death or any other terminating event provided in this Act occurs.]

(c) The annuity of a retired employee or Member shall terminate on the day death or any other terminating event provided in this Act occurs. An annuity otherwise payable from the fund on or after date of enactment of this Act shall terminate (1) in the case of a retired employee or Member, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs.

(d) Any person entitled to annuity from the fund may decline to accept all or any part of such annuity by a waiver signed and filed with the Commission. Such waiver may be revoked in writing at any time, but no payment of the annuity waived shall be made covering the period during which such waiver was in effect.

(e) Where any payment is due a minor, or a person mentally incompetent or under other legal disability, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of such claimant or is otherwise legally vested with the care of the claimant or his estate: *Provided, That* where no guardian or other fiduciary of the person under legal dis-

3 COMMENCING DATES OF CIVIL SERVICE RETIREMENT ANNUITIES

ability has been appointed under the laws of the State of residence of the claimant, payment may be made to any person who in the judgment of the Commission is responsible for the care of the claimant, and such payment shall be a bar to recovery by any other person.



Union Calendar No. 499

86TH CONGRESS
1ST SESSION

H. R. 8289

[Report No. 1150]

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 1959

Mr. DULSKI introduced the following bill; which was referred to the Committee on Post Office and Civil Service

SEPTEMBER 4, 1959

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) section 10 of the Civil Service Retirement Act
4 (70 Stat. 754; 5 U.S.C. 2260) is amended—

5 (1) By striking out paragraph (2) of subsection
6 (a) and inserting in lieu thereof the following:

7 “(2) An annuity computed under this subsection shall
8 commence on the day after the retired employee or Mem-
9 ber dies, and such annuity or any right thereto shall termi-
10 nate on the last day of the month before the survivor’s death
11 or remarriage.”

1 (2) By striking out the second sentence in subsection
2 (b) and inserting in lieu thereof the following: "The
3 annuity of such survivor shall commence on the day after
4 the retired employee or Member dies, and such annuity or
5 any right thereto shall terminate on the last day of the
6 month before the survivor's death."

7 (3) By striking out the second sentence in subsection
8 (c) and inserting in lieu thereof the following: "The annuity
9 of such widow or dependent widower shall commence on
10 the day after the employee or Member dies, and such annuity
11 or any right thereto shall terminate on the last day of the
12 month before (1) death or remarriage of the widow or
13 widower or (2) the widower's becoming capable of self-
14 support."

15 (4) By striking out the third sentence in subsection
16 (d) and inserting in lieu thereof the following: "The
17 child's annuity shall commence on the day after the em-
18 ployee or Member dies, and such annuity or any right
19 thereto shall terminate on the last day of the month before
20 (1) his attaining age eighteen unless incapable of self-
21 support, (2) his becoming capable of self-support after
22 age eighteen, (3) his marriage, or (4) his death."

23 (5) In subsection (e) by striking out "(1) shall be
24 paid an annuity equal to one-half of the deferred annuity

1 of such Member beginning the first day of the month fol-
2 lowing the death of such Member and terminating upon
3 the death or remarriage of such surviving wife or hus-
4 band” and inserting in lieu thereof “(1) shall be paid an
5 annuity equal to 50 per centum of the Member’s deferred
6 annuity commencing on the day after the Member’s death
7 and terminating on the last day of the month before death
8 or remarriage of such surviving wife or husband”.

9 (b) Subsections (a), (b), and (c) of section 14
10 of the Civil Service Retirement Act (70 Stat. 757; 5
11 U.S.C. 2264) are amended to read as follows:

12 “(a) Each annuity is stated as an annual amount,
13 one-twelfth of which, fixed at the nearest dollar, con-
14 stitutes the monthly rate payable on the first business day
15 of the month after the month or other period for which it
16 has accrued.

17 “(b) Except as otherwise provided, the annuity of an
18 employee or Member shall commence on the day after sepa-
19 ration from the service, or on the day after salary ceases
20 and the employee or Member meets the service and the
21 age or disability requirements for title thereto. The an-
22 nuity of an employee or Member under section 8 shall com-
23 mence on the day after the occurrence of the event on
24 which payment thereof is based. An annuity otherwise

1 payable from the fund allowed on or after date of enact-
2 ment of this Act shall commence on the day after the occur-
3 rence of the event on which payment thereof is based.

4 “(c) The annuity of a retired employee or Member shall
5 terminate on the day death or any other terminating event
6 provided in this Act occurs. An annuity otherwise payable
7 from the fund on or after date of enactment of this Act shall
8 terminate (1) in the case of a retired employee or Member,
9 on the day death or any other terminating event occurs, or
10 (2) in the case of a survivor, on the last day of the month
11 before death or any other terminating event occurs.”

12 SEC. 2. Notwithstanding any other provision of law,
13 benefits payable by reason of the amendments made by the
14 first section of this Act shall be paid from the civil service
15 retirement and disability fund.

86TH CONGRESS
1ST SESSION

H. R. 8289

[Report No. 1150]

A BILL

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

By Mr. DULSKI

JULY 20, 1959

Referred to the Committee on Post Office and Civil Service

SEPTEMBER 4, 1959

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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86th-1st, No. 163

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HIGHLIGHTS: Senate passed mutual security appropriation bill. House agreed to Senate amendments to employee health insurance bill. Sen. McCarthy criticized Secretary's farm policies.

HOUSE

1. PERSONNEL. Concurred in the Senate amendments to S. 2162, to provide a health benefits program for Federal employees. This bill will now be sent to the President. pp. 17993-4

Passed without amendment H. R. 8289, to accelerate the commencing date of civil service retirement annuities. (pp. 17994-5). The bill provides that each civil service retirement annuity shall commence on the first day following the employee's separation from the service if immediate benefits are payable or, in the case of deferred benefits payable upon attainment of a certain age, the first day after the employee attains the prescribed age. Survivor benefits will begin the day after the death of the employee or annuitant on whose service the survivor benefits are based.

2. RESEARCH; SCIENCE. Concurred in the Senate amendments to H. R. 6059, to provide additional civilian employees for the Defense Department for purposes of

scientific research and development, and to liberalize the Federal Employees Group Life Insurance Act. (pp. 17992-3) This bill will now be sent to President.

3. AIR POLLUTION. Both Houses received and agreed to the conference report on H. R. 7476, to extend for two additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control (H. Rept. 1187) (pp. 17866-7, 17995-6). This bill will now be sent to President
4. TAXATION. Passed without amendment S. 2282, to prohibit acceptance by the Federal Government of compensation from any State for services rendered in connection with the withholding of income taxes from employees salaries. (p. 18003) This bill will now be sent to the President.
5. FISCAL POLICY. Rep. Mills criticized the administration's monetary and fiscal policies and inserted tables showing cash surpluses and/or deficits during the years 1946 through 1958. pp. 17991-2
6. IMPORTS. Rep. Gross discussed the matter of competition of low-priced foreign imports with American labor and industry^{and} called for stopping "those foreign aid appropriations and other devices that provide the incentive for American industry to move to foreign countries." pp. 17997
7. AREA REDEVELOPMENT. Rep. Slack expressed regret that legislation to aid depressed areas has not been enacted this session and expressed the hope that it will be considered the first and most important order of business in January. pp. 17997-8
8. POWER. Rep. Thomson spoke in favor of the partnership proposal for the Trinity power facilities. pp. 18003-4
9. LEGISLATIVE PROGRAM. The remaining proceedings of the House and Senate for Sept. 14 will be continued in the next issue of the Congressional Record. pp. 18020

SENATE

10. MUTUAL SECURITY APPROPRIATION BILL FOR 1960. Passed, 64 to 25, with amendments this bill, H. R. 8385 (pp. 17857-66, 17868-96, 17909-13, 17914-40, 17962-77, 17981-3, 18024-38). House and Senate conferees were appointed. (pp. 18038, 18020). (See Digests 159 and 162 for Senate committee amendments and floor amendments to the bill.)

Sen. Cooper offered and later withdrew his amendment to establish an Inter-agency Committee on Underdeveloped Regions in the United States, including representation from this Department. He stated that he wanted to bring his proposal to the attention of the executive branch and that he planned to offer it in bill form next session (p. 18037). Virtually all of the debate except Sen. Cooper's remarks dealt with the amendment to extend the life of the Civil Rights Commission.

11. FARM PROGRAM; EGG PRICES. Sen. McCarthy stated that "as Mr. Benson has gotten more and more of what he sought, the condition of the farm economy has become worse," and that the 7th year of this Administration "will mark the lowest level of farm prices in 20 years." He stated that egg producers were now experiencing a "crisis," and that this Department has been "negligent" if an article contending that several New York traders pretty well set egg prices is accurate. pp. 17897-9

that any insurance thereunder on any employee shall cease upon his separation from the service or twelve months after discontinuance of his salary payments, whichever first occurs, subject to a provision which shall be contained in the policy for temporary extension of coverage and for conversion to an individual policy of life insurance under conditions approved by the Commission.

"(b) If upon such date as the insurance would otherwise cease the employee retires on an immediate annuity and (1) his retirement is for disability or (2) he has completed twelve years of creditable service, as determined by the Commission, his life insurance only may, under conditions determined by the Commission, be continued without cost to him, but the amount of such insurance shall be reduced by 2 per centum thereof at the end of each full calendar month following the date the employee attains age sixty-five or retires, whichever is later, subject to minimum amounts prescribed by the Commission, but not less than 25 per centum of the insurance in force preceding the first such reduction. Periods of honorable active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States shall be credited toward the required twelve years provided the employee has completed at least five years of civilian service.

"(c) If upon such date as the insurance would otherwise cease the employee is receiving benefits under the Federal Employees' Compensation Act because of disease or injury to himself, his life insurance may, as provided in subsection (b), be continued during the period he is in receipt of such benefits and held by the United States Department of Labor to be unable to return to duty."

"(e) The amendments made by subsections (a), (b), and (c) shall take effect as of August 17, 1954, except that (1) they shall not be applicable in any case in which the employee's death or retirement occurred prior to the date of enactment of this Act, and (2) nothing therein shall be construed to require salary withholdings for any period prior to the first day of the first pay period which begins after the date of enactment of this Act."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GOVERNMENT EMPLOYEE'S HEALTH BENEFITS PROGRAM

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2162) to provide a health benefits program for Government employees, with Senate amendments to the House amendment, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

In lieu of subsection (a) of section 7 insert:

"(a) Except as provided in paragraph (2) of this subsection, the Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this Act, in addition to the contributions required by paragraph (3), shall be 50 per centum of the lowest rates charged by a carrier for a level of benefits offered by a plan under paragraph (1) or paragraph (2)

of section 4, but (A) not less than \$1.25 or more than \$1.75 biweekly for an employee or annuitant who is enrolled for self alone, (B) not less than \$3 or more than \$4.25 biweekly for an employee or annuitant who is enrolled for self and family (other than as provided in clause (C) of this paragraph), and (C) not less than \$1.75 or more than \$2.50 biweekly for a female employee or annuitant enrolled for self and family including a nondependent husband.

"(2) For an employee or annuitant enrolled in a plan described under section 4 (3) or (4) for which the biweekly subscription charge is less than \$2.50 for an employee or annuitant enrolled for self alone or \$6 for an employee or annuitant enrolled for self and family, the contribution of the Government shall be 50 per centum of such subscription charge, except that if a nondependent husband is a member of the family of a female employee or annuitant who is enrolled for herself and family the contribution of the Government shall be 30 per centum of such subscription charge.

"(3) There shall be withheld from the salary of each enrolled employee and the annuity of each enrolled annuitant, and there shall be contributed by the Government, amounts (in the same ratio as the contributions of such employee or annuitant and the Government under paragraphs (1) and (2)) which are necessary for the administrative costs and the reserves provided for by section 8(b).

"(4) There shall be withheld from the salary of each enrolled employee or annuity of each enrolled annuitant so much as is necessary, after deducting the contribution of the Government, to pay the total charge for his enrollment. The amount withheld from the annuity of an annuitant shall be equal to the amount withheld from the salary of an employee when both are enrolled in the same plan providing the same health benefits.

After section 13, insert a new section as follows:

"SEC. 14. (a) The Chairman of the Commission is authorized to appoint in grade 18 of the General Schedule of the Classification Act of 1949, as amended, an officer who shall have such functions and duties with respect to retirement, life insurance, and health benefits programs as the Commission shall prescribe. Such positions shall be in addition to the number of positions otherwise authorized by law to be placed in such grade.

"(b) The rate of basic compensation of the Executive Director of the United States Civil Service Commission shall be \$19,000 per annum."

Renumber section 14 as section 15.

Renumber section 15 as section 16.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. REES of Kansas. Mr. Speaker, reserving the right to object—and I shall not object—I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, may I direct the Members' attention to a statement which I made on the floor of the House when this legislation was approved by the House on September 1. I wish to reemphasize the fact that when the bill was referred to the House Post Office and Civil Service Committee after having passed the other body, it was unworkable and did not carry out the

intent of providing equitable benefits for all Federal employees.

After diligent study and lengthy hearings, our committee amended the Senate bill in order to provide legislation which is workable and which provided benefits for all Federal employees. The fact that the other body has agreed to the House language is further proof of the success of our efforts.

The chairman of the committee and myself worked for a number of days following our hearings and developed the draft which upon my motion was approved unanimously in our committee and the House also approved it overwhelmingly.

The three amendments which the Senate has made to this legislation do not relate to the basic proposal and I am prepared, therefore, to support these minor amendments, the effect of which is to—

First. Make certain that the minimum amounts for the health plans provided for in the House bill will be available for the purpose of such plans over and above the 3 percent for reserve and 1 percent for administration.

Second. Makes a grade GS-18 position available if and when the Commission decides to combine the administration of the life insurance, retirement, and health benefits programs.

Third. Adjusts the salary of the Executive Director of the Civil Service Commission in line with what we have already done with administrative assistant secretaries of the several departments.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

(Mr. DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DAVIS of Georgia. Mr. Speaker, at the request of the chairman of our committee I am asking the unanimous consent of the House to take up S. 2162 which provides a health benefits program for Federal employees. House agreement will send the measure on its way to the White House, where I am sure it will be approved.

This bill represents the culmination of efforts of a number of years on the part of many Members of both Houses of Congress. I particularly would like to commend the chairman and the ranking minority member of our Committee on Post Office and Civil Service for bringing the bill to our committee in the form in which it was voted out unanimously, as well as our ranking majority Member, the distinguished gentleman from Louisiana [Mr. MORRISON], and other sponsors of health benefits bills. Through their efforts and the work of the entire committee and the committee staff, a bill was developed which I believe represents general consensus of opinion developed during our detailed hearings on this complex problem. We wanted to be sure that the health program we approved would in fact be the kind of a program which would meet the various requirements of the 2 million Federal employees who are expected to participate voluntarily.

Briefly, these are the major provisions:

The bill makes basic and extended health protection available to 2 million employees and their families—some 4.5 million individuals—with the Government contributing 50 percent, but not less than \$1.25 or more than \$1.75 biweekly for a single employee and not less than \$3 or more than \$4.25 biweekly for an employee and family, subject to certain special exceptions.

No physical examination is required, a separated employee may convert coverage to a private plan without such examination, and no one is excluded because of race, sex, health status, or—at first opportunity to enroll—age.

There is free choice, to suit each employee's needs, among four health plans—a service plan, such as Blue Cross-Blue Shield; an indemnity plan, such as certain insurance companies offer; any one of several employee organization plans; and a comprehensive medical plan on either the group-practice or individual-practice prepayment basis. A wide range of hospital, surgical, medical, and related benefits will be provided, and both service and indemnity plans must have at least two levels of benefits.

The Senate amendment make these minor changes in the House-passed bill:

The minimum Government contributions in the House bill are earmarked for purchase of health plans, with small added contributions required of the Government and the employees for the 1 percent administrative cost and the 3 percent contingency reserve provided by the House bill. The chairman of the Civil Service Commission is authorized to appoint a grade GS-18 official with such retirement and health and life insurance program duties as the Commission prescribes. The compensation of the executive director of the Civil Service Commission is adjusted to \$19,000 annually, in accordance with what the Congress recently did for the administrative assistant secretaries of Government departments.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

HODGENVILLE AND LARUE COUNTY, KY., AND THE ABRAHAM LINCOLN SESQUICENTENNIAL

(Mr. CHELF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHELF. Mr. Speaker, I want to congratulate Hodgenville and Larue County, Ky., on their participation in the Abraham Lincoln Sesquicentennial this year.

The birthplace of Lincoln is located near this enterprising town whose fine officials and citizens have taken a great part in the celebration of this outstanding event. The progressive, cooperative

spirit which prevades this splendid little community and with which its kind and hospitable citizens are imbued has prompted them to be significant participants in this event of national importance and magnitude. Their unselfish dedication to this cause elicits the admiration of all who love our country and its great leaders.

The Abraham Lincoln Birthplace Land Corp., of Hodgenville, Ky., devised a brilliant and imaginative plan by which the section of the Lincoln birthplace farm not owned by the Abraham Lincoln National Historical Park—the name of which is now officially changed to Abraham Lincoln's Birthplace—is being released to schools, historical societies, prominent citizens, and individuals for their private ownership as historical heirlooms. It is a family keepsake, if you please, that can and will be handed down from generation to generation through the family so fortunate as to own its precious soil. In the words of the corporation:

This property has been divided into square foot sections to allow as many as possible to share in this wealth of American heritage. * * * a treasure with national significance which can be passed from generation to generation with a pride of ownership second to none.

The truth of this is borne out by the fact that the deed which was issued to me, giving me actual fee simple title to 1 square foot, in section No. A-202-Parcel A, of the original Lincoln birthplace land, is now framed and hanging in a prominent place in my office here in Washington.

These planners are to be congratulated upon their wisdom and foresight in finding such a unique and interesting way to perpetuate the knowledge, understanding and love of Abraham Lincoln.

As their Congressman representing the Fourth Congressional Kentucky District, I take pride in giving recognition to all of those wonderful citizens of Larue County, Ky., who have had a part, large or small, during this Lincoln Sesquicentennial Year, in paying homage and tribute to the Great Emancipator. Truly it is an honor to be able to serve such "salt of the earth" people here in the House of Representatives.

In conclusion, I feel I would be derelict in my duty if I did not say a few words of praise about the magnificent job that my fellow members on the National Lincoln Sesquicentennial Commission, operating here in Washington, have done. These members—Hon. John Sherman Cooper, U.S. Senator, Chairman; Hon. F. Jay Nimtz, Member of Congress, Vice Chairman; Prof. William E. Baringer, Executive Director; Miss Bertha S. Adkins; Hon. Leo E. Allen, Member of Congress; Victor M. Birely; Dr. Ralph J. Bunche; Hon. Frank Chelf, Member of Congress; Hon. Frank Church, U.S. Senator; Hon. Winfield K. Denton, Member of Congress; Dr. John S. Dickey; Hon. Everett M. Dirsken, U.S. Senator; Hon. Paul H. Douglas, U.S. Senator; John B. Fisher; Hon. William E. Jenner, U.S. Senator; Hon. Peter F. Mack, Jr., Member of Congress; Dr. R. Gerald McMurtry; Dr. L. Quincy

Mumford; Rev. Paul C. Reinert; Hon. John M. Robison, Jr., Member of Congress; Walter N. Rothschild; Hon. William G. Stratton; Jouett Ross Todd; Dr. William H. Townsend; Conrad L. Wirth; Hon. Ralph Yarborough, U.S. Senator—together with their modest but most able and alert staff have really compiled a record that any Commission authorized by Congress can truly be proud to possess. As a concrete example of one of its many, many outstanding achievements, the U.S. Treasury reports that it has minted and sold over four times as many of the new Lincoln penny this year as the number of the old original Lincoln penny. This brand new coin has the usual picture of Lincoln on it but there has been added on the reverse side a beautiful design of the Lincoln Memorial. I salute Hodgenville, Larue County, our Kentucky Sesquicentennial Commission, my colleagues on the Nation Commission, and all of our Lincoln Historians, collectors, individuals, societies, and organizations that have helped to properly celebrate and to commemorate the 150th birthday of that Great American—Abraham Lincoln.

ADJUSTMENT OF COMMENCING DATES OF CIVIL SERVICE RETIREMENT ANNUITIES

Mr. DULSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8289) to accelerate the commencing date of civil service retirement annuities, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 10 of the Civil Service Retirement Act (70 Stat. 754; 5 U.S.C. 2260) is amended—

(1) By striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) An annuity computed under this subsection shall commence on the day after the retired employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before the survivor's death or remarriage."

(2) By striking out the second sentence in subsection (b) and inserting in lieu thereof the following: "The annuity of such survivor shall commence on the day after the retired employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before the survivor's death."

(3) By striking out the second sentence in subsection (c) and inserting in lieu thereof the following: "The annuity of such widow or dependent widower shall commence on the day after the employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before (1) death or remarriage of the widow or widower (or (2) the widower's becoming capable of self-support."

(4) By striking out the third sentence in subsection (d) and inserting in lieu thereof the following: "The child's annuity shall commence on the day after the employee or Member dies, and such annuity or any right thereto shall terminate on the last day of

the month before (1) his attaining age eighteen unless incapable of self-support, (2) his becoming capable of self-support after age eighteen, (3) his marriage, or (4) his death.

(5) In subsection (e) by striking out "(1) shall be paid an annuity equal to one-half of the deferred annuity of such Member beginning the first day of the month following the death of such Member and terminating upon the death or remarriage of such surviving wife or husband" and inserting in lieu thereof "(1) shall be paid an annuity equal to 50 per centum of the Member's deferred annuity commencing on the day after Member's death and terminating on the last day of the month before death or remarriage of such surviving wife or husband".

(b) Subsections (a), (b), and (c) of section 14 of the Civil Service Retirement Act (70 Stat. 757; 5 U.S.C. 2264) are amended to read as follows:

"(a) Each annuity is stated as an annual amount, one-twelfth of which, fixed at the nearest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.

"(b) Except as otherwise provided, the annuity of an employee or Member shall commence on the day after separation from the service, or on the day after salary ceases and the employee or Member meets the service and the age or disability requirement for title thereto. The annuity of an employee or Member under section 8 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this Act shall commence on the day after the occurrence of the event on which payment thereof is based.

"(c) The annuity of a retired employee or Member shall terminate on the day death or any other terminating event provided in this Act occurs. An annuity otherwise payable from the fund on or after date of enactment of this Act shall terminate (1) in the case of a retired employee or Member, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs."

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the amendments made by the first section of this Act shall be paid from the civil service retirement and disability fund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DULSKI. Mr. Speaker, the bill provides that each civil service retirement annuity shall commence on the first day following the employee's separation from the service if immediate benefits are payable or, in the case of deferred benefits payable upon attainment of a certain age, the first day after the employee attains the prescribed age. With respect to surviving widows and children of deceased employees or annuitants, survivor benefits will begin the day after the death of the employee or annuitant on whose service the survivor benefits are based.

Under present law, neither the survivor benefits nor the primary annuities commence until the first of the month following separation from the service or death, as the case may be.

The bill will be particularly helpful in the cases of widows and dependent children, since their survivor benefits will become payable immediately after the death of the employee or annuitant whereas under existing law the benefits are not payable for periods of as much as 30 days after death.

EXTENSION OF AIR POLLUTION CONTROL ACT

Mr. HARRIS submitted the following conference report and statement on the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control:

CONFERENCE REPORT (H. REPT. No. 1187)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7476) to extend for two additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That section 5 of the Act of July 14, 1955 (42 U.S.C. 1657 (d)), is amended—

"(1) by striking out '(a)' after 'Sec. 5',

"(2) by striking out 'five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960' and inserting in lieu thereof 'nine fiscal years during the period beginning July 1, 1955, and ending June 30, 1964',

"(3) by inserting 'for surveys and studies and' before 'for research' in clauses (1) and (2) of such first sentence, and

"(4) by striking out 'by the Surgeon General' in the last sentence.

"Sec. 2. Such Act is further amended by adding at the end thereof the following new section:

"Sec. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
PAUL G. ROGERS,
JOHN B. BENNETT,
PAUL F. SCHENCK,
SAMUEL L. DEVINE,

Managers on the Part of the House.

DENNIS CHAVEZ,
ROBERT S. KERR,
PAT McNAMARA,
THOMAS E. MARTIN,
JOHN SHERMAN COOPER,

Managers on the Part of the House.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7476) to extend for two additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

This legislation proposes to amend section 5 of the act of July 14, 1955, entitled "An act to provide research and technical assistance relating to air pollution control."

This section reads as follows at present:

"SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed \$5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare."

The bill as passed by the House amended section 5 so as to authorize the appropriation of not to exceed \$5,000,000 for each of two additional fiscal years, namely, the fiscal year ending June 30, 1961, and the fiscal year ending June 30, 1962.

The Senate amendments struck out all after the enacting clause of the House bill and inserted a substitute.

The substitute language inserted by the Senate did the following things:

(1) It corrected a purely technical error in section 5 of the present law, merely striking out "(a)" which was included by error.

(2) It provided for extending the appropriation authorization of such section 5 for 4 fiscal years (in lieu of 2 years as provided for in the House bill), and also fixed at \$7,500,000 the maximum amount authorized to be appropriated for each such fiscal year.

(3) It made amendments to that part of the first sentence of such section 5 which authorizes the Department of Health, Education, and Welfare, in carrying out the policy declared in the first section of the 1955 act, to make grants-in-aid to enter into contracts for research, training, and demonstration projects. Such grants-in-aid may be made to State and local government air pollution control agencies and other public and private agencies and institutions and to individuals, and such contracts may be entered into with public and private agencies and institutions and individuals. The amendments made by the Senate would add language specifically authorizing such grants-in-aid and contracts to be made also for "surveys and studies." It is our understanding that these language changes were not intended to make any substantive change in the authority as granted and exercised under the language of the law as presently in effect, but are merely clarifying.

(4) It struck out the reference to the Surgeon General in the last sentence of such section 5. The effect of this would be that

allotments of appropriated funds would be made in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare instead of by the Surgeon General as at present. However, the Secretary could, of course, delegate this function to the Surgeon General to such extent as he deems appropriate.

(5) It provided for adding to the 1955 Act, a new section as follows:

"SEC. 8. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any interstate agency or any State or local government air pollution control agency in preventing or controlling the pollution of the air in any area insofar as the discharge of any matter from or by such property may cause or contribute to pollution of the air in such area."

The substitute agreed to by the committee of conference is the same as the substitute inserted by the Senate amendment with one exception, namely, the appropriation authorization for the additional 4-year period would be not to exceed \$5,000,000 per annum.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
PAUL G. ROGERS,
JOHN B. BENNETT,
PAUL F. SCHENCK,
SAMUEL L. DEVINE,

Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report just filed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (H.R. 7476) to extend for 2 additional years the authority of the Surgeon General of the Public Health Service with respect to air pollution control and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the statement.

Mr. HARRIS. Mr. Speaker, the legislation agreed to in conference extends for 4 years the Federal air pollution control program set up by Public Law 159, 84th Congress, which authorized appropriations of \$5 million a year for five years.

As passed by the House H.R. 7476, proposed a 2-year extension. The Senate amendment proposed to extend the program for 4 years and to increase the ceiling on appropriations to \$7,500,000 annually. The Senate amendment also included clarifying language explained in the statement of managers just read.

The conferees accepted the 4-year extension proposed by the Senate, with the maximum annual authorization retained at \$5 million. During fiscal years 1956 through 1959, the total appropriations were \$12,475,000, against a total authorization of \$20 million. For the current fiscal year the appropriation is \$4,212,000 or nearly \$800,000 short of the maximum authorized.

The Department of Health, Education, and Welfare and the Bureau of the Bud-

get recommended that the terminal date be removed and the program continued indefinitely with no fixed limitation on appropriations. The Department suggested removal of the limitation on appropriations on the grounds that a major break through in the research field might bring about a need for an appropriation in excess of the \$5,000,000 limitation. The conferees felt, however, that in case appropriations in excess of the \$5,000,000 are necessary, the Department should come to the appropriate legislative committees and justify legislation to remove or increase the limitation.

The Senate bill contains language inserting authority for the Surgeon General to make surveys and studies. Witnesses for the Department in the hearings held by the Subcommittee on Health and Safety took the position that this language does not confer any additional authority on the Surgeon General but merely clarifies the present law.

The position of the Department is explained in the following quotation from the testimony of Hon. Arthur S. Flemming, Secretary of Health, Education, and Welfare before the subcommittee:

Well, in reporting on those proposed amendments, we took the position that in our judgment they did not make any substantive addition to the present authority. We said that it has been our interpretation that such surveys and studies are included within the authorization in the present act for grants-in-aid, and contracts in support of research, training, and demonstration projects.

However, in order to make this point entirely clear, we believe that the amendment would be desirable. But we wouldn't interpret it as giving us authority to go beyond what we have been doing under existing law.

Section 2 of the Senate amendment adds a new section 8 to the act declaring it to be the intent of Congress that any Federal department or agency shall to the extent practicable and consistent with the interests of the United States and within available appropriations cooperate in preventing or controlling air pollution. The committee was advised that this merely enacts into law a present policy established by Executive order.

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROBERTS. Mr. Speaker, as chairman of the Subcommittee on Health and Safety, which conducted hearings on this legislation, I am glad to approve the conference report. The conference agreement extending the Federal air pollution program 4 years will permit the continuation of important research into a growing national problem.

My bill, H.R. 7476, as introduced, proposed a 2-year extension of the program. The extension was limited to 2 years not because of any doubt in my mind regarding the importance of this program and the need for its continuation. It was my thought that by extending the act for 2 years, the committee in the next Congress could take a look at the program to make sure that the

Public Health Service carries out the intent of Congress to press forward with its activities in this field as rapidly as possible. Also, we could study the need for revising and broadening the act.

However, the Legislative Reorganization Act gives the Committee on Interstate and Foreign Commerce ample jurisdiction to conduct an investigation into any phase of the program at any time. Furthermore, if a need to broaden the program develops, appropriate legislation can be presented and considered.

Therefore, it was agreeable for me to yield to the Senate conferees when they insisted on a 4-year extension of the act.

The present act authorized appropriations of not to exceed \$5 million a year through fiscal year 1960. My bill did not increase that ceiling. The Senate amendment increased the ceiling to \$7,500,000 a year. Testimony presented in the hearings held by the Subcommittee on Health and Safety show appropriations as follows: \$1.7 million for fiscal year 1956; \$2.7 million for 1957; \$4 million each for 1958 and 1959; and \$4,212,000 for fiscal 1960. Therefore, I could see no reason at this time for increasing the ceiling above the present \$5 million annual limitation and approve the conferees agreement to retain the present \$5 million annual limitation.

The Department urged the committee to remove the ceiling entirely on the grounds that new developments growing out of present studies might result in a need for appropriations in excess of \$5 million a year. However, if there is any need to exceed the present ceiling, the Department can come to the committee and justify lifting or removing the ceiling.

The Senate amendment contains language with reference to survey and studies. In our hearings, some apprehension was expressed that the Department might construe the addition of such language as broadening the scope of the program. The Department favors the language of the Senate amendment as clarifying the act. We were assured by Secretary Flemming that the Department would not interpret such language as giving the Surgeon General authority to go beyond what is being done under existing law.

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

[Mr. O'HARA of Illinois addressed the House. His remarks will appear hereafter in the Appendix.]

MONEY AND EFFECTS OF DECEASED SEAMEN

Mr. BONNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6067) to amend section 4544 of the Revised Statutes of the United States to provide that, if the money and effects of a deceased seaman paid or delivered to a district court do not exceed in value the sum of \$1,500, such court may pay and deliver such money and effects to certain persons other than the legal personal rep-

86TH CONGRESS
2D SESSION

H. R. 8289

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1960

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) section 10 of the Civil Service Retirement Act
4 (70 Stat. 754; 5 U.S.C. 2260) is amended—

5 (1) By striking out paragraph (2) of subsection (a)
6 and inserting in lieu thereof the following:

7 “(2) An annuity computed under this subsection shall
8 commence on the day after the retired employee or Mem-
9 ber dies, and such annuity or any right thereto shall termi-
10 nate on the last day of the month before the survivor’s death
11 or remarriage.”

1 (2) By striking out the second sentence in subsection
2 (c) and inserting in lieu thereof the following: "The annuity
3 annuity of such survivor shall commence on the day after
4 the retired employee or Member dies, and such annuity or
5 any right thereto shall terminate on the last day of the
6 month before the survivor's death."

7 (3) By striking out the second sentence in subsection
8 (c) and inserting in lieu thereof the following: "The annuity
9 of such widow or dependent widower shall commence on
10 the day after the employee or Member dies, and such annuity
11 or any right thereto shall terminate on the last day of the
12 month before (1) death or remarriage of the widow or
13 widower or (2) the widower's becoming capable of self-
14 support."

15 (4) By striking out the third sentence in subsection
16 (d) and inserting in lieu thereof the following: "The
17 child's annuity shall commence on the day after the em-
18 ployee or Member dies, and such annuity or any right
19 thereto shall terminate on the last day of the month before
20 (1) his attaining age eighteen unless incapable of self-
21 support, (2) his becoming capable of self-support after
22 age eighteen, (3) his marriage, or (4) his death."

23 (5) In subsection (e) by striking out "(1) shall be
24 paid an annuity equal to one-half of the deferred annuity

1 of such Member beginning the first day of the month fol-
2 lowing the death of such Member and terminating upon
3 the death or remarriage of such surviving wife or hus-
4 band” and inserting in lieu thereof “(1) shall be paid an
5 annuity equal to 50 per centum of the Member’s deferred
6 annuity commencing on the day after the Member’s death
7 and terminating on the last day of the month before death
8 or remarriage of such surviving wife or husband”.

9 (b) Subsections (a), (b), and (c) of section 14
10 of the Civil Service Retirement Act (70 Stat. 757; 5
11 U.S.C. 2264) are amended to read as follows:

12 “(a) Each annuity is stated as an annual amount,
13 one-twelfth of which, fixed at the nearest dollar, con-
14 stitutes the monthly rate payable on the first business day
15 of the month after the month or other period for which it
16 has accrued.

17 “(b) Except as otherwise provided, the annuity of an
18 employee or Member shall commence on the day after sepa-
19 ration from the service, or on the day after salary ceases
20 and the employee or Member meets the service and the
21 age or disability requirements for title thereto. The an-
22 nuity of an employee or Member under section 8 shall com-
23 mence on the day after the occurrence of the event on
24 which payment thereof is based. An annuity otherwise

1 payable from the fund allowed on or after date of enact-
2 ment of this Act shall commence on the day after the occur-
3 rence of the event on which payment thereof is based.

4 “(c) The annuity of a retired employee or Member shall
5 terminate on the day death or any other terminating event
6 provided in this Act occurs. An annuity otherwise payable
7 from the fund on or after date of enactment of this Act shall
8 terminate (1) in the case of a retired employee or Member,
9 on the day death or any other terminating event occurs, or
10 (2) in the case of a survivor, on the last day of the month
11 before death or any other terminating event occurs.”

12 SEC. 2. Notwithstanding any other provision of law,
13 benefits payable by reason of the amendments made by the
14 first section of this Act shall be paid from the civil service
15 retirement and disability fund.

Passed the House of Representatives September 14, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

86TH CONGRESS
2d Session

H. R. 8289

AN ACT

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

JANUARY 7, 1960

Read twice and referred to the Committee on Post
Office and Civil Service

April 21, 1960

14. FARM PROGRAM. Sen. Hruska inserted an article, "Fish or Cut Bait on Farm Issue," which suggests that since the President has expressed a willingness to approve "any farm bill which meets certain broad standards" it is up to the Congress to act on farm legislation this year. p. 7874
15. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) ~~S. 2857, to provide for refunds of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity; S. 2775, to provide a health benefits program for certain retired employees; H. R. 8241, to amend certain provisions of the Civil Service Retirement Act relating to the reemployment of former Members of Congress; and H. R. 8289, to accelerate the commencing date of civil service retirement annuities; and postponed action on S. 1638, to provide for an effective system of personnel administration for the executive branch of the Government. p. D327~~
16. LANDS. Sens. Bartlett, Gruening, and Engle criticized the Departments of Defense and Interior regarding "what appears to be a plain violation of the law passed by Congress with respect to military withdrawals of public lands." pp. 7879-82
17. FRUITS AND VEGETABLES. Sen. Smathers commended and inserted an article, "Youthful Government's Inefficiency Leads to a Tangled Economy ...," which includes a reference to the withdrawal by this Department of fruit and vegetable inspectors. pp. 7872-3
18. ADJOURNED until Mon., April 25. p. 7889

ITEMS IN APPENDIX

19. PERSONNEL. Rep. Wolf inserted a resolution adopted by Government Employees' Council, AFL-CIO, calling for a pay raise for Federal employees. p. A3465
20. FORESTS. Extension of remarks of Rep. Cunningham describing the celebration of Arbor Day in Nebraska. pp. A3466-7
21. AREA REDEVELOPMENT. Rep. Lane inserted a Textile Workers Union resolution urging passage of S. 722, the proposed area redevelopment bill. p. A3473
Extension of remarks of Rep. Saylor criticizing the continued expenditure of "vast sums of American funds to friends and foes alike in far-off reaches around the world while U. S. communities are denied a small percentage of such expenditures for the express purpose of getting our own people back to work." pp. A3486-7

SENATE continued

22. ATOMIC ENERGY; ELECTRIFICATION. As reported by the Joint Atomic Energy Committee (see Digest 71), H. R. 11713 and S. 3387, the Atomic Energy Commission authorization bills for 1961, contain provisions as follows: Authorizes \$211,476,000 for new construction projects, including reactor development, physical research, biology and medicine, and 3 atomic power plants in the Antarctic for support of defense and scientific facilities located there. No new prototype reactors are provided for 1961 in the 10 year plan submitted by AEC to the Joint Committee. The Joint Committee added a section "authorizing the Commission within its discretion to proceed with design and engineering studies on facilities for food irradiation," and stated as follows:

"In hearings before the Joint Committee on January 14-15, 1960, and the Research and Development Subcommittee on March 31, 1960, testimony was received as to the failure by the Department of Army to support adequately the national food irradiation research program. The interdepartmental Committee on Radiation Preservation of Foods on February 12, 1960, recommended that the Atomic Energy Commission be designated as the operating agency for the civilian portion of this national program and the Commission accepted the assignment. ***

"The Joint Committee thus wishes to indicate its support for this part of the atoms-for-peace program and its intention to follow closely the food irradiation program to assure it will not be further delayed."

BILLS INTRODUCED

23. VETERANS' BENEFITS. H. R. 11858, by Rep. George, to extend the veterans' home loan program to February 1, 1965; to provide for direct loans to veterans in areas where housing credit is otherwise not generally available; to Veterans' Affairs Committee.
24. LABELING. H. R. 11859, by Sen. Glenn, to amend the Federal Food, Drug, and Cosmetic Act to require that packages of fruits and vegetables be labeled to show the State where such fruits and vegetables were grown; to Interstate and Foreign Commerce Committee.
25. WATER POLLUTION. H. R. 11860, by Rep. Halpern, to amend the Federal Water Pollution Control Act to expand research, extend State and interstate water pollution control program grants, and strengthen enforcement procedures; to Public Works Committee.
26. FARM PROGRAM. H. R. 11869, by Rep. Porter, to reduce the cost to the U. S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power; to Agriculture Committee.
27. PERSONNEL. H. R. 11875, by Rep. Stratton, to adjust the rates of basic compensation of certain officers and employees of the Federal Government; to Post Office and Civil Service Committee.

PRINTED HEARINGS RECEIVED BY THIS OFFICE

28. APPROPRIATIONS. USDA appropriations for 1961, Part 3. Includes CSS, FCA, Library, OGC, Information, and Office of the Secretary. H. Appropriations Committee.

Independent offices appropriations for 1961, part 3 (Nat'l Aeronautics and Space Administration and Nat'l Science Foundation). H. Appropriations Committee.

Dept. of Defense appropriations for 1961, part 6 (research, development, test, and evaluation). H. Appropriations Committee.

29. FORESTRY; RECREATION. S. 4, to provide for the establishment of the Padre Island National Park, in the State of Texas. S. Interior and Insular Affairs Committee.

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued April 28, 1960

For actions of April 27, 1960

86th-2d, No. 76

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HIGHLIGHTS: House received conference report on Commerce appropriation bill. Rep. Byrnes introduced and discussed bill to extend and expand conservation reserve program. Senate committee voted to report wheat bill. Senate debated mutual security authorization bill. Rep. Johnson, Wis., urged enactment of national milk sanitation bill.

SENATE

- 1. WHEAT.** The Agriculture and Forestry Committee voted to report (but did not actually report) with amendments S. 2759, the Ellender wheat bill. The "Daily Digest" states that as "approved by the committee, the bill would provide 80 percent of price support for wheat for the 1961, 1962, 1963 crops, with 20-percent reduction in acreage allotments, and such acreage to be put to spill- and water-conserving uses, with payments in kind made for such practices." p. D344
- 2. LAMB IMPORTS.** The Agriculture and Forestry Committee "adopted a committee resolution to be directed to the U. S. Tariff Commission, urging action under the "escape clause" of the Reciprocal Trade Agreements Act relative to imports of dressed lamb and mutton." p. D344
- 3. MUTUAL SECURITY.** Began debate on S. 3058, the mutual security authorization bill (pp. 8098-8100, 8117-29). Agreed, 68 to 0, to an amendment by Sen. Williams, Del., to require that expenditures of foreign currencies and appropriated funds under the bill by members of committees and staffs of committees

be itemized and submitted to Congress for publication in the Congressional Record (pp. 8123-9). Pending at adjournment was a proposed amendment by Sen. Douglas, for himself and others, to express the sense of Congress that the United States favors freedom of navigation in international waterways and economic cooperation between nations, and that assistance under the Mutual Security Act and Public Law 480 shall be administered to give effect to these principles (p. 8129).

4. FARM LABOR. Sen. McCarthy expressed concern over the condition of migratory farm workers, stated that they "represent the most neglected and underprivileged group in American society," and inserted a newspaper article which he stated presented "a realistic summary of their problems and suggested some of the measures needed to improve their condition." pp. 8106-7

Sen. Moss inserted a magazine article stating that the current trend is for big industry to move to small towns, and stating that "in some rural areas, new industries are giving employment to people who used to make their living from farming." pp. 8076-7

5. FEDERAL SUBSIDIES. Sen. Murray inserted a newspaper editorial, "Who Gets Government Subsidies?", and stated that the editorial "points out in a clear, succinct manner how we are all sharing in Government subsidies daily and that the matter of Government subsidies -- contrary to a popular belief -- is not limited to the farmers of the Nation." pp. 8080-1

6. SOIL CONSERVATION. Sens. Ellender, Cooper, Murray, Young, N. Dak., and Humphrey paid tribute to the Soil Conservation Service on its 25th anniversary "for the admirable job it has done during the first quarter-century of its existence." pp. 8087-90

7. APPROPRIATIONS; ITEM VETO. Sen. Williams, Del., inserted and commended an article by Sen. Keating urging the enactment of legislation to give the President authority to veto specific items in appropriation bills. pp. 8129-30

8. SURPLUS COMMODITIES; FOREIGN AID. Received from this Department a proposed bill to amend Public Law 480 so as to permit grants of surplus food to foreign countries for the establishment of national food reserves, to authorize greater use of commodities for foreign economic development purposes, to permit payment of general average claims arising from the ocean transport of commodities for famine relief and other emergency assistance, and to provide for the transfer of foreign currencies to the International Development Association; to Agriculture and Forestry Committee. p. 8061

9. PERSONNEL. The Post Office and Civil Service Committee reported with amendment H. R. 8289, to accelerate the commencing date of civil service retirement annuities for certain employees (S. Rept. 1295). p. 8062

Received from the Civil Service Commission a proposed bill "to provide for the payment of travel and transportation costs for persons selected for appointment to certain positions in the United States"; to Government Operations Committee. p. 8062

10. SMALL BUSINESS. Sen. Williams, N. J., submitted a report of the Small Business Committee, "Small Business Investment Act - 1960" (S. Rept. 1293). p. 8062

11. SUGAR. Sen. Goldwater submitted an amendment he intends to propose to S. 3210, to extend the Sugar Act of 1948. p. 8065

BEGINNING AND ENDING DATES OF RETIREMENT BENEFITS

APRIL 27, 1960.—Ordered to be printed

Mr. CLARK, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

[To accompany H.R. 8289]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 8289) to accelerate the commencing date of civil service retirement annuities, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

AMENDMENT

The committee amendment adds a new section 3 to the bill, the purpose of which is to exempt Federal employee organizations from the provisions of the Fire and Casualty Act of the District of Columbia.

EXPLANATION OF AMENDMENT

Public Law 86-382 provides for a health benefits program for Government employees and authorizes the participation of Federal employee organizations in the program subject to the approval by and under the supervision of the Civil Service Commission. The purpose of the committee amendment is to relieve such organizations of dual supervision by two Government agencies. This objective is accomplished by exempting such organizations from the District of Columbia Fire and Casualty Act.

STATEMENT

The bill establishes a day-after concept for the beginning of benefits under the Civil Service Retirement Act, in place of the first-of-the-month-after concept currently in effect. Also, the bill provides for the payment of benefits for the fractional portion of a month to the

2 BEGINNING AND ENDING DATES OF RETIREMENT BENEFITS

date of the death of the annuitant or the occurrence of any other terminating event instead of ceasing at the end of the month immediately preceding such event.

Under existing law, benefits in most instances accrue only on a full month's basis which results in "short payments" in some cases both when the annuity starts and when it ceases. Under the new concept established by this bill, that will not happen in the future as in either situation benefits will be paid for fractional portions of a month.

AGENCY VIEWS

Following is the report of the Civil Service Commission:

CIVIL SERVICE COMMISSION,
Washington, D.C., August 27, 1959.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Old House Office Building.*

DEAR MR. MURRAY: This refers further to your July 23, 1959, request for Commission report on H.R. 8289, a bill to accelerate the commencing date of civil-service retirement annuities, and for other purposes.

H.R. 8289 proposes to depart from the first-of-the-month after concept now in effect for commencing annuities under the Retirement Act and substitute for it a day-after concept. The bill would also delete the current specification that annuities accrue and are payable for full months only, adding termination provisions which would allow accrual and payment of retirement annuity for any portion of a month up to the point at which the retiree's right to further annuity payment ceases—due to death or the occurrence of any other terminating event.

The changes proposed by H.R. 8289 would operate purely prospectively, applicable only to commencement or termination of annuities allowed or payable from the retirement fund on or after its enactment date. Any added benefits resulting would be payable from the retirement fund, notwithstanding any other provision of law. The effect the bill would have on payment of the various annuities is outlined below.

RETIREMENT ANNUITIES

Commencement

Immediate annuity to a retiring employee or Member of Congress would commence the day after separation from service, or the first day after salary ceases on which the individual meets the service and the age or disability requirements for title to the annuity. Deferred annuity would commence the day after occurrence of the event giving rise to payment of the benefit; i.e., the day after attainment of a specified age or after separation if then beyond that age.

Immediate annuities of Members of Congress already commence on the basis here proposed (Public Law 83-303, effective April 1, 1954), but such annuities to employees generally may not begin under present law until the first of the month following separation, etc. Deferred annuities in all cases presently commence the first of the month following the occurrence of the event on which payment of the benefit is based.

Termination

All retirement annuities would accrue to and terminate upon the date of death or upon the date when annuity is required to cease by occurrence of any other terminating event.

Many existing retirement annuities allowed under earlier provisions of the retirement law now accrue and are terminable on this same basis. However, annuities of employees retired under provisions of law in effect since April 1, 1948, and of Members of Congress retired under provisions in effect since October 1, 1956, all now accrue on a strict monthly basis and terminate the end of the month preceding death or the occurrence of any other terminating event.

SURVIVOR ANNUITIES

Commencement

Survivor annuity established by election of a retiree would commence the day after the retiree's death or, in the case of certain employees or Members retired before October 1, 1956, the day following the widow's or widower's attainment of age 50. All survivor annuities payable by operation of law in deceased employee or Member cases would commence the day after the death of the employee or Member or, for certain deaths which occurred before October 1, 1956, the day after the surviving spouse attains age 50 where title to such deferred survivor annuity is involved.

Some survivor annuities provided by election now commence the day after the death of the retiree, but in cases of employees retired on or after April 1, 1948, and of Members retired on or after April 1, 1954, any immediate annuity to named survivor commences the first of the month in which the retiree dies, thereby affording annuity at the lower survivor rate for the portion of that month during which the retiree lived. Where a spouse is entitled to deferred annuity at age 50, by election of a retiree or by operation of law, the survivor annuity now commences the first of the month after the spouse attains age 50. An immediate survivor annuity payable by operation of law in deceased employee or Member cases now commences the first of the month following date of death of the employee or Member.

Termination

Under the bill, survivor annuity in all cases would terminate the last day of the month before death or any other terminating event occurs.

In general, survivor annuities now terminate on this same basis. The logic for this is sound. When the survivor dies, annuity usually has been paid to the end of the month preceding death, and no reason appears for adjudicating and settling a claim for a small sum of unpaid survivor annuity with the estate or heirs of a person who had no direct connection with the Federal Government.

This proposal is not objectionable in principle. In general it would result in payment of more annuity than is now authorized in the various situations it would affect. Since the Civil Service Retirement Act is a beneficial law, the changes proposed would be in keeping with the spirit of the retirement law.

The considerations are not all in favor of departing from the existing provisions on payment of annuities, however. Paying annuities on a

4 BEGINNING AND ENDING DATES OF RETIREMENT BENEFITS

full-month basis minimizes individual and odd-amount transactions and greatly facilitates all aspects of the work of processing annuity payments—vouchering, disbursement, and accounting—both within the Commission and in the Treasury Department. In short, present annuity payment provisions are more convenient and less costly administratively than would be the case under the bill's provisions. In addition, the bill would extend the duration of annuities, thus resulting in greater benefit expenditures from the retirement fund. We are unable to furnish estimates on the extent to which either of these cost factors—administrative expense or benefits payments from the fund—would be increased by enactment of this bill, but both cost factors would increase materially. Then too, this proposal would amend the Civil Service Retirement Act only, leaving the present statutory provisions still applicable to other Federal civilian retirement systems and military retirement plans.

There are accordingly considerations for and against enactment of this proposal. In its favor is the fact that it would adopt payment provisions which would operate with maximum liberality under a law beneficial in nature. Against it are the considerations of added costs and work. The Commission's position is that if Congress determines that the considerations in favor of the proposal outweigh those against it, we will not object to the proposal's enactment into law.

We understand that H.R. 8289 is a substitute for H.R. 4164. Under such circumstance, no report will be submitted in respect to H.R. 4164. The Bureau of the Budget advises that there would be no objection to the submission of this report to your committee.

By direction of the Commission:

Sincerely yours,

ROGER W. JONES, *Chairman.*

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTIONS 10 AND 14 OF THE CIVIL SERVICE RETIREMENT ACT, AS AMENDED

SURVIVOR ANNUITIES

SEC. 10. (a) * * *

(1) * * *

[(2) An annuity computed under this subsection shall begin on the first day of the month in which the retired employee or Member dies, and such annuity or any right thereto shall terminate upon the survivor's death or remarriage.]

(2) *An annuity computed under this subsection shall commence on the day after the retired employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before the survivor's death or remarriage.*

(b) The annuity of a survivor designated under section 9(h) shall be 50 per centum of the reduced annuity computed as provided in subsections (a), (b), (c), (d), (e), (f), and (h) of section (9) as may

apply with respect to the annuitant. [The annuity of such survivor shall begin on the first day of the month in which the retired employee or Member dies, and such annuity or any right thereto shall terminate upon the survivor's death.] *The annuity of such survivor shall commence on the day after the retired employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before the survivor's death.*

(c) If an employee or a Member dies after completing at least five years of civilian service, the widow or dependent widower of such employee or Member shall be paid an annuity equal to 50 per centum of an annuity computed as provided in subsections (a), (b), (c), (e), and (f) of section (9) as may apply with respect to the employee or Member. [The annuity of such widow or dependent widower shall begin on the first day of the month after the employee or Member dies, and such annuity or any right thereto shall terminate upon death or remarriage of the widow or widower, or upon the widower's becoming capable of self-support.] *The annuity of such widow or dependent widower shall commence on the day after the employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before (1) death or remarriage of the widow or widower or (2) the widower's becoming capable of self-support.*

(d) * * * [The child's annuity shall begin on the first day of the month after the employee or Member dies, and such annuity or any right thereto shall terminate upon (1) his attaining age 18 unless incapable of self-support, (2) his becoming capable of self-support after age 18, (3) his marriage, or (4) his death.] *The child's annuity shall commence on the day after the employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before (1) his attaining age eighteen unless incapable of self-support, (2) his becoming capable of self-support after age eighteen, (3) his marriage, or (4) his death.*

(e) In case a Member separated from service with title to a deferred annuity under this Act, either prior to, on, or after the effective date of the Civil Service Retirement Act Amendments of 1956, shall hereafter die before having established a valid claim for annuity and is survived by a wife or husband to whom married at date of separation, such surviving wife or husband [(1) shall be paid an annuity equal to one-half of the deferred annuity of such Member beginning the first day of the month following the death of such Member and terminating upon the death or remarriage of such surviving wife or husband] *(1) shall be paid an annuity equal to 50 per centum of the Member's deferred annuity commencing on the day after the Member's death and terminating on the last day of the month before death or remarriage of such surviving wife or husband or (2) may elect to receive a lump-sum credit in lieu of annuity if such wife or husband is the person who would be entitled to the lump-sum credit and files application therefor with the Commission prior to the award of such annuity.*

PAYMENT OF BENEFITS

SEC. 14. (a) Each annuity is stated as an annual amount, one-twelfth of which, fixed at the nearest dollar, [accrues monthly and is] *constitutes the monthly rate payable on the first business day of the month after [it accrues] the month or other period for which it has accrued.*

[(b) Except as otherwise provided, the annuity of an employee shall commence on the first of the month after separation from the service, or on the first of the month after salary ceases provided the employee meets the service and the age or disability requirements for title to annuity at that time. The annuity of a Member or of an elected officer of the Senate or House of Representatives shall commence on the day following the day on which salary shall cease, provided the person entitled to such annuity meets the service and the age or disability requirements for title to annuity at that time. The annuity of an employee or Member under section 8 shall commence on the first of the month after the occurrence of the event on which payment of the annuity is based.]

(b) Except as otherwise provided, the annuity of an employee or Member shall commence on the day after separation from the service, or on the day after salary ceases and the employee or Member meets the service and the age or disability requirements for title thereto. The annuity of an employee or Member under section 8 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this Act shall commence on the day after the occurrence of the event on which payment thereof is based.

[(c) An annuity shall terminate on the last day of the month preceding the month in which death or any other terminating event provided in this Act occurs.]

(c) The annuity of a retired employee or Member shall terminate on the day death or any other terminating event provided in this Act occurs. An annuity otherwise payable from the fund on or after date of enactment of this Act shall terminate (1) in the case of a retired employee or Member, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs.

(d) Any person entitled to annuity from the fund may decline to accept all or any part of such annuity by a waiver signed and filed with the Commission. Such waiver may be revoked in writing at any time, but no payment of the annuity waived shall be made covering the period during which such waiver was in effect.

(e) Where any payment is due a minor, or a person mentally incompetent or under other legal disability, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of such claimant or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the State of residence of the claimant, payment may be made to any person who in the judgment of the Commission is responsible for the care of the claimant, and such payment shall be a bar to recovery by any other person.

Calendar No. 1328

86TH CONGRESS
2D SESSION

H. R. 8289

[Report No. 1295]

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1960

Read twice and referred to the Committee on Post Office and Civil Service

APRIL 27, 1960

Reported by Mr. CLARK with an amendment

[Insert the part printed in italic]

AN ACT

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) section 10 of the Civil Service Retirement Act
4 (70 Stat. 754; 5 U.S.C. 2260) is amended—

5 (1) By striking out paragraph (2) of subsection (a)
6 and inserting in lieu thereof the following:

7 “(2) An annuity computed under this subsection shall
8 commence on the day after the retired employee or Mem-
9 ber dies, and such annuity or any right thereto shall termi-
10 nate on the last day of the month before the survivor’s death
11 or remarriage.”

1 (2) By striking out the second sentence in subsection
2 (b) and inserting in lieu thereof the following: "The an-
3 nuity of such survivor shall commence on the day after the
4 retired employee or Member dies, and such annuity or any
5 right thereto shall terminate on the last day of the month
6 before the survivor's death."

7 (3) By striking out the second sentence in subsection
8 (c) and inserting in lieu thereof the following: "The annuity
9 of such widow or dependent widower shall commence on
10 the day after the employee or Member dies, and such annuity
11 or any right thereto shall terminate on the last day of the
12 month before (1) death or remarriage of the widow or
13 widower or (2) the widower's becoming capable of self-
14 support."

15 (4) By striking out the third sentence in subsection
16 (d) and inserting in lieu thereof the following: "The
17 child's annuity shall commence on the day after the em-
18 ployee or Member dies, and such annuity or any right
19 thereto shall terminate on the last day of the month before
20 (1) his attaining age eighteen unless incapable of self-
21 support, (2) his becoming capable of self-support after
22 age eighteen, (3) his marriage, or (4) his death."

23 (5) In subsection (e) by striking out "(1) shall be
24 paid an annuity equal to one-half of the deferred annuity

1 of such Member beginning the first day of the month fol-
2 lowing the death of such Member and terminating upon the
3 death or remarriage of such surviving wife or husband”
4 and inserting in lieu thereof “(1) shall be paid an annuity
5 equal to 50 per centum of the Member’s deferred annuity
6 commencing on the day after the Member’s death and ter-
7 minating on the last day of the month before death or re-
8 marriage of such surviving wife or husband”.

9 (b) Subsections (a), (b), and (c) of section 14 of
10 the Civil Service Retirement Act (70 Stat. 757; 5 U.S.C.
11 2264) are amended to read as follows:

12 “(a) Each annuity is stated as an annual amount, one-
13 twelfth of which, fixed at the nearest dollar, constitutes the
14 monthly rate payable on the first business day of the month
15 after the month or other period for which it has accrued.

16 “(b) Except as otherwise provided, the annuity of an
17 employee or Member shall commence on the day after sepa-
18 ration from the service, or on the day after salary ceases and
19 the employee or Member meets the service and the age or
20 disability requirements for title thereto. The annuity of an
21 employee or Member under section 8 shall commence on
22 the day after the occurrence of the event on which payment
23 thereof is based. An annuity otherwise payable from the
24 fund allowed on or after date of enactment of this Act shall

1 commence on the day after the occurrence of the event on
2 which payment thereof is based.

3 “(c) The annuity of a retired employee or Member shall
4 terminate on the day death or any other terminating event
5 provided in this Act occurs. An annuity otherwise payable
6 from the fund on or after date of enactment of this Act shall
7 terminate (1) in the case of a retired employee or Member.
8 on the day death or any other terminating event occurs, or
9 (2) in the case of a survivor, on the last day of the month
10 before death or any other terminating event occurs.”

11 SEC. 2. Notwithstanding any other provision of law,
12 benefits payable by reason of the amendments made by the
13 first section of this Act shall be paid from the civil service
14 retirement and disability fund.

15 *SEC. 3. Section 4(3) of the Federal Employees Health*
16 *Benefits Act of 1959 (73 Stat. 711; 5 U.S.C. 3003(3))*
17 *is amended by adding at the end thereof the following: “Any*
18 *employee organization as defined in section 2(i) shall be*
19 *exempt from the provisions of the Fire and Casualty Act*
20 *(54 Stat. 1063; D.C. Code 35-1301, and the following).”*

Passed the House of Representatives. September 14, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

86TH CONGRESS
2d Session

H. R. 8289

[Report No. 1295]

AN ACT

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

JANUARY 7, 1960

Read twice and referred to the Committee on Post Office and Civil Service

APRIL 27, 1960

Reported with an amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued August 22, 1960
For actions of August 19 & 20, 1960
86th-2nd, Nos. 157
and 158

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HIGHLIGHTS: Senate passed bill to increase price support level for milk and butterfat. Senate committee reported mutual security appropriation bill.

SENATE - August 19

1. MILK PRICE SUPPORTS. Passed as reported S. 2917, to increase the price-support level for manufacturing milk and butterfat for the remainder of the current marketing year, from the date of enactment of the bill until Mar. 31, 1961, to not less than \$3.22 per hundredweight for manufacturing milk and not less than 59.6 cents per pound for butterfat. pp. 15594-601
2. FOREIGN AID; APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 12619, the mutual security appropriation bill, 1961 (S. Report No. 1849) (p. 15555). The "Daily Digest" states that as reported "the bill would provide a total of \$3,989,054,000, an increase of \$399,304,000 over the House-passed figure of \$3,589,750,000. The Budget estimates on this bill called for \$4,281,704,000." (p. D694).
By a vote of 59 to 14, passed without amendment S. 3855, to increase the authorization for appropriations for the President's mutual security contingency fund for fiscal year 1961 by \$100 million, or from \$150 million to \$250 million. pp. 15601-2, 15615-6, 15672
By a vote of 54 to 19, passed without amendment S. 3861, to authorize appropriation of \$600 million for economic aid for Latin America. pp. 15611-5, 15657-72
3. PUBLIC LANDS; MINERALS. By a vote of 59 to 28, passed without amendment H. R. 8860, to provide that the Interior Department shall make payments to small lead and zinc producers at a rate which would provide them a return equivalent to that which they would receive if the market price for zinc were 14½ cents per

pound and lead 17 cents per pound. This bill will now be sent to the President. pp. 15582-94

4. FREIGHT FORWARDERS; TRANSPORTATION. Passed as reported H. R. 5068, to provide for licensing independent foreign freight forwarders. The bill defines and provides for the licensing of independent ocean freight forwarders, permits common carriers by water to compensate ocean freight forwarders when they are licensed and perform any two of six enumerated services, and provides that common carriers by water may compensate independent ocean freight forwarders for performance of certain services and specifies the terms of such compensation. pp. 15564-6

5. PERSONNEL. ^{D.C. Committee} The Post Office and Civil Service Committee reported with an additional amendment H. R. 8289 (this bill was previously reported with amendment by the Committee on Apr. 27, 1960), to accelerate the commencing date of civil service retirement annuities to the day after an employee retires rather than the month after he retires (S. Rept. 1855). p. 15556

6. OLD-AGE ASSISTANCE. The Finance Committee reported with amendments H. R. 12580, to provide Federal grants to States for medical care for aged individuals of low income (S. Rept. 1856). p. 15556

7. FARM PROGRAM; LEGISLATIVE PROGRAM. Sen. Keating urged enactment of the 21 points in the legislative program of the President set forth in his special message on Aug. 8, stating with regard to farm program recommendations that the "policies of the Eisenhower administration were fully set forth in the special message on agriculture of Jan. 11, 1954, that is $6\frac{1}{2}$ years ago," and had been repeated in numerous Presidential messages since that time. He inserted "full documentation of the times that the President has recommended his legislative program." pp. 15609-10, 15616-56

8. PASSED OVER the following bills: (pp. 15560-1, 15569, 15570)

S. 1474, to make permanent the provisions of the Reorganization Act of 1949.

H. R. 4012, to provide for the centennial celebration of the establishment of the land-grant colleges and State universities and the establishment of the Department of Agriculture.

H. R. 5140, to amend the Reorganization Act of 1949 so that the Act will apply to reorganization plans transmitted to Congress at any time before June 1, 1961.

S. 1851, to establish a Commission on a Dept. of Science and Technology.

S. 1789, to amend the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply.

S. 1711, the food-for-peace bill.

S. 2522, to provide for the enrichment and sanitary packaging of certain donated commodities and to establish experimental food-stamp allotment programs.

S. 2086, to provide for the establishment of a National Wildlife Disease Laboratory.

S. 1787, to protect consumers and others against misbranding, false advertising and false invoicing of decorative hardwood, or imitation hardwood products.

H. R. 4601, to amend the Act of Sept. 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the U. S.

S. 1638, to modify the Federal personnel administration system.

S. 3292, to provide for the establishment of a Dept. of Housing and Metropolitan Affairs.

BEGINNING AND ENDING DATES OF RETIREMENT BENEFITS

AUGUST 19, 1960.—Ordered to be printed

Mr. BEALL, from the Committee on the District of Columbia,
submitted the following

R E P O R T

[To accompany H.R. 8289]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 8289) to accelerate the commencing date of civil service retirement annuities, and for other purposes, report without comment thereon as to sections 1 and 2, and unfavorably thereon as to section 3 with an amendment.

The amendment is as follows:

Page 4, strike lines 15 through 20.

The effect of this amendment is to strike section 3 from the bill.

This bill was reported with an amendment by Senator Clark for the Committee on Post Office and Civil Service on April 27, 1960 (S. Rept. 1295). On June 20, 1960, at the request of Senator Clark by unanimous consent, the bill was referred to the Committee on the District of Columbia.

This committee confined its consideration of H.R. 8289 to section 3 of the bill. The purpose of this section is to exempt insurance plans operated by Federal employee organizations from regulation by the Department of Insurance of the District of Columbia as required by the Fire and Casualty Act of the District of Columbia (54 Stat. 1063, see. 35-1301; D.C. Code, 1951 ed.).

The Fire and Casualty Act of the District of Columbia was enacted by Congress for the protection of policyholders and claimants under contracts of fire, marine, and casualty insurance written within the District of Columbia. To furnish such protection, it contains within the framework of its safeguards carefully reasoned provisions for licensing, for minimum requirements of capital and surplus, for inspection of books and records, for annual reports, for limitations on risks and investments and for general regulation by the District of Columbia Department of Insurance of companies underwriting such risks.

In contrast the Civil Service Commission does not have such a statute to guide it nor does it have the facilities or experience to function as an insurance regulatory agency. As late as June 21 of this year, the plans of the Civil Service Commission pertaining to the type and extent of the audit to be made of carriers remained "tentative."

The committee is of the opinion that there will not be any burdensome duplication of regulation by the Civil Service Commission and the Department of Insurance as suggested by the report of the Post Office and Civil Service Committee.

To illustrate these points, relevant portions of a letter from the Chairman of the Civil Service Commission, dated June 21, 1960, addressed to the Chairman of the Committee on the District of Columbia, are set out below and made a part of this report:

All health benefit plans approved by the Commission under the Federal Employees Health Benefits Act will be subject to supervision and audit by the Commission and by the General Accounting Office. Section 11(a) of the act authorizes the Commission and the General Accounting Office to "examine records of the carriers as may be necessary to carry out the purposes of the Act." The legislative history of this act does not elaborate on the intent of Congress in enacting this provision, nor on the extent of supervision or audit intended, other than to indicate that examination of the records of carriers will be whatever the Commission or the General Accounting Office deem to be pertinent.

Because of the vast amount of work involved in preparing for health benefits plans to go into effect in July of 1960, we have not as yet worked out the type and extent of our audit of carriers. Planning for audit will begin in July. *At this time, our ideas concerning audit are necessarily tentative.*

We will have a contract with each carrier, and will require an accounting at the end of each contract term. The first term ends October 31, 1961. On audit, we will as a minimum determine that the annual statement of the carrier is accurate and is supported by evidence consistent with accepted accounting principles. *Where a carrier is subject to examination and supervision under local statute, our audit will be limited to our contract and will not duplicate the examination made by a local insurance commissioner.* Where there is no local supervision or examination, our audit will of necessity be somewhat broader in scope. Our audit will not, of course, go into any insurance or other activities of the carrier which are not related to its plan under the Federal Employees Health Benefits Act. [Emphasis supplied.]

Finally, regulation of insurance by the Civil Service Commission rather than by the Department of Insurance of the District of Columbia appears to run counter to the intent of Public Law 15, 79th Congress approved March 9, 1945, which provides in part:

The Congress hereby declares that the continued regulation and taxation by the several States of the business of insurance is in the public interest, * * *. As used in this Act, the term "State" includes * * * the District of Columbia.

The Civil Service Commission has no recommendation with respect to the merits of section 3 of the bill.

The Board of Commissioners of the District of Columbia and the Superintendent of Insurance of the District of Columbia oppose section 3 of the bill, and report that the exemption which section 3 would grant, would be harmful to the best interests of policyholders of Federal employee organizations.



Calendar No. 1927

86TH CONGRESS
2^D SESSION

H. R. 8289

[Report No. 1855]

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1960

Read twice and referred to the Committee on Post Office and Civil Service

APRIL 27, 1960

Reported by Mr. CLARK, with an amendment

[Insert the part printed in italic]

JUNE 20, 1960

Referred to the Committee on the District of Columbia

AUGUST 19, 1960

Reported by Mr. BEALL, with an additional amendment

[Omit the part struck through]

AN ACT

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) section 10 of the Civil Service Retirement Act
4 (70 Stat. 754; 5 U.S.C. 2260) is amended—

5 (1) By striking out paragraph (2) of subsection (a)
6 and inserting in lieu thereof the following:

7 “(2) An annuity computed under this subsection shall

1 commence on the day after the retired employee or Mem-
2 ber dies, and such annuity or any right thereto shall termi-
3 nate on the last day of the month before the survivor's death
4 or remarriage."

5 (2) By striking out the second sentence in subsection
6 (b) and inserting in lieu thereof the following: "The an-
7 nuity of such survivor shall commence on the day after the
8 retired employee or Member dies, and such annuity or any
9 right thereto shall terminate on the last day of the month
10 before the survivor's death."

11 (3) By striking out the second sentence in subsection
12 (c) and inserting in lieu thereof the following: "The annuity
13 of such widow or dependent widower shall commence on
14 the day after the employee or Member dies, and such annuity
15 or any right thereto shall terminate on the last day of the
16 month before (1) death or remarriage of the widow or
17 widower or (2) the widower's becoming capable of self-
18 support."

19 (4) By striking out the third sentence in subsection
20 (d) and inserting in lieu thereof the following: "The
21 child's annuity shall commence on the day after the em-
22 ployee or Member dies, and such annuity or any right
23 thereto shall terminate on the last day of the month before
24 (1) his attaining age eighteen unless incapable of self-

1 support, (2) his becoming capable of self-support after
2 age eighteen, (3) his marriage, or (4) his death.”

3 (5) In subsection (e) by striking out “(1) shall be
4 paid an annuity equal to one-half of the deferred annuity
5 of such Member beginning the first day of the month fol-
6 lowing the death of such Member and terminating upon the
7 death or remarriage of such surviving wife or husband”
8 and inserting in lieu thereof “(1) shall be paid an annuity
9 equal to 50 per centum of the Member’s deferred annuity
10 commencing on the day after the Member’s death and ter-
11 minating on the last day of the month before death or re-
12 marriage of such surviving wife or husband”.

13 (b) Subsections (a), (b), and (c) of section 14 of
14 the Civil Service Retirement Act (70 Stat. 757; 5 U.S.C.
15 2264) are amended to read as follows:

16 “(a) Each annuity is stated as an annual amount, one-
17 twelfth of which, fixed at the nearest dollar, constitutes the
18 monthly rate payable on the first business day of the month
19 after the month or other period for which it has accrued.

20 “(b) Except as otherwise provided, the annuity of an
21 employee or Member shall commence on the day after sepa-
22 ration from the service, or on the day after salary ceases and
23 the employee or Member meets the service and the age or
24 disability requirements for title thereto. The annuity of a

1 employee or Member under section 8 shall commence on
2 the day after the occurrence of the event on which payment
3 thereof is based. An annuity otherwise payable from the
4 fund allowed on or after date of enactment of this Act shall
5 commence on the day after the occurrence of the event on
6 which payment thereof is based.

7 “(c) The annuity of a retired employee or Member shall
8 terminate on the day death or any other terminating event
9 provided in this Act occurs. An annuity otherwise payable
10 from the fund on or after date of enactment of this Act shall
11 terminate (1) in the case of a retired employee or Member,
12 on the day death or any other terminating event occurs, or
13 (2) in the case of a survivor, on the last day of the month
14 before death or any other terminating event occurs.”

15 SEC. 2. Notwithstanding any other provision of law,
16 benefits payable by reason of the amendments made by the
17 first section of this Act shall be paid from the civil service
18 retirement and disability fund.

19 *SEC. 3. Section 4(3) of the Federal Employees Health*
20 *Benefits Act of 1959 (73 Stat. 711; 5 U.S.C. 3003(3))*
21 *is amended by adding at the end thereof the following: “Any*
22 *employee organization as defined in section 2(i) shall be*

- 1 *exempt from the provisions of the Fire and Casualty Act*
2 *(54 Stat. 1063; D.C. Code 35-1301, and the following)."*

Passed the House of Representatives September 14,
1959.

Attest:

RALPH R. ROBERTS,
Clerk.

AN ACT

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

JANUARY 7, 1960

Read twice and referred to the Committee on Post Office and Civil Service

APRIL 27, 1960

Reported with an amendment

JUNE 20, 1960

Referred to the Committee on the District of Columbia

AUGUST 19, 1960

Reported with an additional amendment

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

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For actions of Aug. 25, 1960
86th-2d, No. 142

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HIGHLIGHTS: House received conference report on mutual security appropriation bill. House agreed to conference report on Labor-HEW appropriation bill. Sens. Morse, Clark, and Keating endorsed President's proposal on sugar.

SENATE

1. FORESTRY. Passed without amendment H. R. 9377, to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army. This bill will now be sent to the President. p. 16358

Sen. Humphrey urged preservation of wilderness areas, and inserted a newspaper article describing the recreational opportunities of northern Minn., particularly the Quentico-Superior canoe region. pp. 16379-80

2. LANDS. Passed without amendment H. R. 900, to provide that 75 percent of all moneys derived by the U. S. from certain recreation activities in connection with lands acquired for flood control and other purposes shall be paid to the States. This bill will now be sent to the President. p. 16358

Passed as reported S. 3339, to authorize the Secretary of Agriculture to transfer 160 acres of the present U. S. Beef Cattle Research Station at Fort Reno, Okla., to the Secretary of the Army for use as a national cemetery. p. 16363

3. PERSONNEL. Passed as reported H. R. 8239, to accelerate the commencing date of civil service retirement annuities to the day after an employee retires rather than the month after he retires. p. 16362
4. CONSERVATION PAYMENTS. Passed without amendment S. 2761, to validate certain payments for farmers for emergency conservation work in Oregon which the Comptroller General has held were not authorized by the Third Supplemental Appropriation Act of 1957, inasmuch as the conservation practices were performed prior to its enactment. p. 16362
5. ANIMAL IMPORTS. Passed without amendment H. R. 10598, to amend and clarify certain provisions of the Criminal Code so as to reduce the hazards arising from the importation of injurious wild animals, to curtail traffic in such species, and to define types of wild animals and methods of transportation to which the code applies. This bill will now be sent to the President. p. 16366
6. COPYRIGHTS. Passed as reported H. R. 4059, to amend title 28 of the U. S. Code so as to protect copyrights from Government infringement by waiving the sovereign immunity of the U. S. for infringement of copyrights. p. 16367
7. MINERALS; LANDS. Passed as reported S. 1670, to provide for the granting of mineral rights in certain homestead lands in Alaska. p. 16369
8. FARM LABOR. Passed over, at the request of Sen. Bartlett, H. R. 12759, to extend the Mexican farm labor program. p. 16368
9. RESEARCH; SURPLUS COMMODITIES. Sen. Mundt was appointed to replace Sen. Hickenlooper as a conferee on S. 690, the industrial-uses research bill. p. 16381
10. SUGAR. Sen. Morse spoke in support of the President's message requesting authority to purchase from other countries 322,000 short tons of sugar which has been allocated to the Dominican Republic, stating that "it is imperative that the Department of Agriculture be relieved of its present obligation to buy sugar from the Dominican Republic" and that "the assignment of quotas in the existing Sugar Act was completely out of line with the political policy the United States has been trying to establish with our neighbors of the Western Hemisphere." Sens. Clark and Keating commended Sen. Morse's statement. pp. 16425-7
Received from this Department a proposed bill to amend and extend the Sugar Act of 1943; to Finance Committee. p. 16332
11. WATER RESOURCES. Passed without amendment S. 3625, to establish a Wabash Basin Interagency Water Resources Commission for the coordination of Federal, State, and local plans for development of water and related resources in the Wabash Basin. pp. 16332-6
12. ALLOTMENTS. Received from this Department a letter reporting on four over-obligations of allotments in the Forest Service. p. 16332
13. IMPORTS. The Finance Committee reported without amendment H. R. 12659, to suspend for a temporary period the import duty on heptanoic acid (S. Rept. 1913). p. 16333

subsections (a) and (b) of this section shall be paid to the District Commissioners and deposited in a revolving fund in the Treasury which is hereby authorized to be established, to be known as the Civil War Centennial Fund, District of Columbia. Such fund shall be used to carry out the purposes of this Act, and may be expended without regard to the laws and procedures applicable to District of Columbia or Federal agencies for the procurement of supplies, services, and property. Contracts may be entered into for the purposes of this Act without regard to applicable District of Columbia or Federal laws or regulations.

(d) The District Commissioners may use any property acquired by the District of Columbia Civil War Centennial Commission remaining upon its termination, or they may dispose of the said property as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities shall be deposited in the Treasury to the credit of the District of Columbia.

(e) The Commission is authorized to carry public liability insurance protecting the Commission, members, officials, and employees thereof; the United States and the District of Columbia and their officers and employees performing service under this Act, and persons performing voluntary services under provisions of this Act.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, to enable the District Commissioners to provide additional municipal services in said District in connection with any program, function, or activity prepared, arranged, supervised, or carried out by the Commission or by the Civil War Centennial Commission established by the joint resolution of September 7, 1959 (71 Stat. 626), including employment of personal services without regard to the civil service and classification laws; travel expenses of law enforcement personnel from other jurisdictions; hire of means of transportation; meals for policemen and firemen, cost of removing and relocating streetcar loading platforms, construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths, and other incidental expenses in the discretion of the Commissioners.

SEC. 7. The District Commissioners may authorize the Commission to install suitable overhead conductors and install suitable lighting or other electrical facilities, with adequate supports, for illumination or other purposes. If it should be necessary to place wires for illuminating or other purposes over any park or reservation in the District of Columbia, such placing of wires and their removal shall be under the supervision of the official in charge of said park or reservation. Such conductors with their supports shall be removed by the date specified by the said Commissioners or by said official, as the case may be. The said Commissioners, or such other officials as may have jurisdiction in the premises, shall enforce the provisions of this Act, take needful precautions for the protection of the public, and insure that the pavement of any street, sidewalk, avenue, or alley which is disturbed or damaged is restored to its previous condition.

SEC. 8. The regulations and licenses authorized by this Act shall be in full force and effect for such period of time as may be specified by the Commissioners of the District of Columbia. Such regulations shall be published in one or more of the daily newspapers published in the District of Columbia and no penalty prescribed for the violation of any such regulation shall be enforced until three days after such publication. Any person violating any regulation promulgated by the said Commissioners under the au-

thority of this Act shall be fined not more than \$100 or imprisoned for not more than 30 days. Each and every day a violation of any such regulation exists shall constitute a separate offense, and the penalty prescribed shall be applicable to each such separate offense.

SEC. 9. Nothing contained in this Act shall be applicable to the United States Capitol buildings or grounds or other properties under the jurisdiction of the Congress or any committee, commission, or officer thereof: *Provided, however*, That any of the services or facilities authorized by or under this Act shall be made available with respect to any such properties upon request or approval of the Senate and House of Representatives.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF TUITION OF CERTAIN PERSONS ATTENDING PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 7124) to require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "District of Columbia Nonresident Tuition Act".

SEC. 2 (a) In the case of (1) each adult who attends a public school of the District of Columbia and does not reside in the District of Columbia, and (2) each child who attends such a public school and does not have a parent or guardian who resides in the District of Columbia, or is not an orphan, there shall be paid to the Board of Education the amount fixed by the Board of Education pursuant to subsection (b) of this section.

(b) The amount which shall be paid with respect to each person subject to subsection (a) of this section shall be fixed by the Board of Education with the approval of the Board of Commissioners of the District of Columbia as the amount necessary to cover the expense of tuition and cost of textbooks and school supplies used by such person.

(c) All amounts received by the Board of Education under this section shall be paid into the Treasury of the United States, to the credit of the District of Columbia.

(d) Notwithstanding the provisions of subsection (a) of this section, upon the submission of evidence satisfactory to the Board of Education that care, custody, and substantial support are supplied by the person or persons with whom that child is residing in the District of Columbia, and that the parent or guardian of such child is unable to supply such care, custody, and support, or that such child is self-supporting, such child shall be considered a resident of the District of Columbia for the purpose of school attendance and exempt from the requirement to pay tuition.

SEC. 3. (a) The Board of Education shall take such action as may be necessary to determine which of the persons, attending or desiring to attend the public schools of the District of Columbia, for whom tuition shall be paid as required by section 2, and said Board is authorized, with the approval of the Commissioners of the District of Columbia, to make regulations to carry out the intent and purposes of this Act.

(b) Any person who makes a statement required or authorized by this Act to be filed

with the Board of Education knowing that the information set forth in such statement is false, shall be fined not more than \$300 or imprisoned for not more than ninety days, or both. Any person violating any regulation made pursuant to the authority in this Act shall be fined not more than \$100 or imprisoned for not more than thirty days.

(c) All prosecutions for violations of this Act, or regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants. As used in this Act the term "Corporation Counsel" means the attorney for the District of Columbia, by whatever title such attorney may be known, designated by the Board of Commissioners of the District of Columbia to perform the functions prescribed for the Corporation Counsel in this Act.

SEC. 4. As used in this Act—

(1) the term "child" means a person who is less than twenty-one years of age;

(2) the term "orphan" means a child who resides in the District of Columbia and who does not have a living parent or guardian;

(3) the term "adult" means a person who is twenty-one years of age, or older;

(4) the term "guardian" means a person (A) appointed as a guardian for a child by a court of competent jurisdiction, and (B) who has control or custody of such child;

(5) the term "parent" means a person (A) who (i) is a natural parent of a child, (ii) is a stepfather or stepmother of a child, or (iii) has adopted a child, and (B) who has custody or control of such child; and

(6) the term "Board of Education" means the Board of Education of the District of Columbia.

SEC. 5. (1) Nothing in this Act shall be construed so as to affect the authority vested in the Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Commissioners of the District of Columbia or in any office or agency under the jurisdiction and control of said Commissioners may be delegated by said Commissioners in accordance with section 3 of such plan.

(2) This Act shall not be construed as superseding the Act approved April 23, 1958 (72 Stat. 98), and such Act approved April 23, 1958, shall continue in full force and effect.

SEC. 6. The following provisions of law are repealed:

(1) The last paragraph under the heading "Public Schools" in the Act of March 3, 1899, as amended (D.C. Code, sec. 31-301).

(2) The last paragraph under the side heading "Miscellaneous" which follows the center heading "Public Schools" in the Act of July 21, 1914 (D.C. Code, sec. 31-302).

(3) The last paragraph under the side heading "Miscellaneous" which follows the center heading "Public Schools" in the Act of March 3, 1915 (D.C. Code, sec. 31-303).

(4) The second paragraph under the center heading "Public Schools" in the Act of March 28, 1918 (D.C. Code, sec. 31-304).

(5) The last paragraph under the heading "Capital Outlay" which follows the center heading "Public Schools" in the Act of June 28, 1944 (D.C. Code, sec. 31-305).

(6) The last paragraph under the heading "Capital Outlay" which follows the center heading "Public Schools" in the Act of June 29, 1949 (D.C. Code, sec. 31-306).

SEC. 7. Nothing contained in this Act shall be construed as preventing the Board of Education from requiring students of the District of Columbia Teachers College to pay tuition, and the said Board is authorized, in its discretion, to require the payment of tuition by the students of such college, whether or not resident in the District of Columbia, with the exception of those students who are authorized to be excused from the payment of tuition by an Act other than this Act.

SEC. 8. This Act shall take effect on the first day of the school semester which commences at least sixty days after the date of enactment of this Act.

Mr. BEALL. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Maryland will be stated.

The LEGISLATIVE CLERK. On page 8, line 8, in the committee amendment, it is proposed to strike the word "that" and insert in lieu thereof the word "a."

Mr. BEALL. Mr. President, this is a typographical error, and the amendment is a correction of that error.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ACCELERATION OF COMMENCEMENT DATE OF CIVIL SERVICE RETIREMENT ANNUITIES

The Senate proceeded to consider the bill (H.R. 8289) to accelerate the commencing date of civil service retirement annuities, and for other purposes, which had been reported from the Committee on Post Office and Civil Service with an amendment, and subsequently reported from the Committee on the District of Columbia with an additional amendment.

The amendment of the Committee on Post Office and Civil Service was, on page 4, after line 18, to insert a new section, as follows:

SEC. 3. Section 4(3) of the Federal Employees Health Benefits Act of 1959 (73 Stat. 711; 5 U.S.C. 3003(3)) is amended by adding at the end thereof the following: "Any employee organization as defined in section 2(i) shall be exempt from the provisions of the Fire and Casualty Act (54 Stat. 1063; D.C. Code 35-1301, and the following)."

The amendment was agreed to.

The amendment of the Committee on the District of Columbia was, on page 4, after line 18, to strike out the amendment of the Committee on Post Office and Civil Service, which was to insert the following new section:

The amendment was agreed to.

SEC. 3. Section 4(3) of the Federal Employees Health Benefits Act of 1959 (73 Stat. 711; 5 U.S.C. 3003(3)) is amended by adding at the end thereof the following: "Any employee organization as defined in section 2(i) shall be exempt from the provisions of the Fire and Casualty Act (54 Stat. 1063; D.C. Code 35-1301, and the following)."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 3269) authorizing the Secretary of the Navy to convey certain

property to the State of Hawaii, was announced as next in order.

Mr. BARTLETT. Mr. President, over by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3299) to provide for the conveyance to the State of Maine of certain lands located in such State, was announced as next in order.

Mr. BARTLETT. Mr. President, over by request.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE OF CERTAIN PROPERTY TO THE CITY OF BISMARCK, N. DAK.

The bill (S. 1663) directing the Secretary of the Interior to convey certain property in the State of North Dakota to the city of Bismarck, N. Dak., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to clear the title to the property hereinafter described the Secretary of the Interior is authorized and directed to convey by quitclaim deed, without consideration, to the city of Bismarck, North Dakota, all right, title, and interest of the United States in and to the following described tract of land, together with all buildings and other improvements thereon, situated in the city of Bismarck, North Dakota:

Part of the southeast quarter of section 5, township 138, range 88, beginning at the southeast corner of such section, thence due west for 1,786 feet, thence north 25 degrees and 46 minutes west a distance of 1,122.5 feet, thence north 68 degrees and 39 minutes west a distance of 454.9 feet, thence north 33 degrees and 22 minutes west a distance of 679 feet, thence north 25 degrees and 24 minutes west a distance of 610 feet, thence around a 30-degree 49-minute curve to the right a distance of 374.4 feet, thence due east 66 feet south of the quarter line of such section 5 a distance of 1,103 feet, thence due south a distance of 1,214 feet, and thence due east a distance of 1,220 feet, and thence due south a distance of 1,360 feet to the point of beginning.

VALIDATION OF PAYMENTS MADE FOR CERTAIN EMERGENCY CONSERVATION MEASURES

The bill (S. 2761) to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payments which have heretofore been made under the program authorized by the Third Supplemental Appropriation Act, 1957, under the item entitled "Emergency Conservation Measures, Agricultural Conservation Program Service", for emergency conservation measures carried out between January 1, 1956, and June 21, 1957, shall, if otherwise proper, not be considered invalid by reason of the fact that they were made for measures carried out prior to the enactment of said Act.

NELLIE V. LOHRY

The bill (S. 3040) for the relief of Nellie V. Lohry was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nellie V. Lohry of Ashland, Nebraska, the sum of \$3,000. The payment of such sum shall be in full settlement of all her claims against the United States for payment of an additional amount for certain property purchased from the said Nellie V. Lohry and Fred H. Lohry (deceased), pursuant to an option signed by them on November 14, 1941, by the United States in connection with the construction of an Army ordnance plant, such option having been exercised by the United States notwithstanding a previous attempt made on behalf of the said Nellie V. Lohry and the said Fred H. Lohry (deceased) by the project officer acquiring such property to have such option withdrawn on the grounds that it did not adequately reflect the value of the property: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

COMPACT BETWEEN THE STATES OF ARIZONA AND NEVADA

The bill (S. 3433) giving the consent of Congress to a compact between the State of Arizona and the State of Nevada establishing a boundary between those States, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the compact between the States of Arizona and Nevada as contained in chapter 69, law of the State of Arizona, 1960 (senate bill numbered 203, twenty-fourth legislature assembled, approved by the Governor March 24, 1960), and chapter 119, Nevada Revised Statutes 1960 (senate bill numbered 121, passed by the 1960 Legislature of the State of Nevada and approved by the Governor March 9, 1960) establishing a boundary between the States of Arizona and Nevada on the Colorado River between the point where the Nevada-California State line intersects the thirty-fifth degree of latitude north and Davis Dam.

SEC. 2. The right to alter, amend or repeal this Act is expressly reserved.

A. E. WATERSTRADT

The bill (S. 3591) for the relief of A. E. Waterstradt, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any period of limitations or lapse of time, claim for credit or refund of overpayment of income taxes for the taxable years 1942 to 1945, inclusive, made by A. E. Waterstradt, of Takoma Park, Maryland, may

Public Law 86-713
86th Congress, H. R. 8289
September 6, 1960

AN ACT

To accelerate the commencing date of civil service retirement annuities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 10 of the Civil Service Retirement Act (70 Stat. 754; 5 U.S.C. 2260) is amended—

Civil Service
retirement.
Survivor annu-
ties.

(1) By striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

“(2) An annuity computed under this subsection shall commence on the day after the retired employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before the survivor’s death or remarriage.”

(2) By striking out the second sentence in subsection (b) and inserting in lieu thereof the following: “The annuity of such survivor shall commence on the day after the retired employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before the survivor’s death.”

(3) By striking out the second sentence in subsection (c) and inserting in lieu thereof the following: “The annuity of such widow or dependent widower shall commence on the day after the employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before (1) death or remarriage of the widow or widower or (2) the widower’s becoming capable of self-support.”

72 Stat. 930.

(4) By striking out the third sentence in subsection (d) and inserting in lieu thereof the following: “The child’s annuity shall commence on the day after the employee or Member dies, and such annuity or any right thereto shall terminate on the last day of the month before (1) his attaining age eighteen unless incapable of self-support, (2) his becoming capable of self-support after age eighteen, (3) his marriage, or (4) his death.”

72 Stat. 930.

(5) In subsection (e) by striking out “(1) shall be paid an annuity equal to one-half of the deferred annuity of such Member beginning the first day of the month following the death of such Member and terminating upon the death or remarriage of such surviving wife or husband” and inserting in lieu thereof “(1) shall be paid an annuity equal to 50 per centum of the Member’s deferred annuity commencing on the day after the Member’s death and terminating on the last day of the month before death or remarriage of such surviving wife or husband”.

74 STAT. 813.

74 STAT. 814.

(b) Subsections (a), (b), and (c) of section 14 of the Civil Service Retirement Act (70 Stat. 757; 5 U.S.C. 2264) are amended to read as follows:

Payment of
benefits.

“(a) Each annuity is stated as an annual amount, one-twelfth of which, fixed at the nearest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.

“(b) Except as otherwise provided, the annuity of an employee or Member shall commence on the day after separation from the service, or on the day after salary ceases and the employee or Member meets the service and the age or disability requirements for title thereto. The annuity of an employee or Member under section 8 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this Act shall com-

5 USC 2258.

mence on the day after the occurrence of the event on which payment thereof is based.

"(c) The annuity of a retired employee or Member shall terminate on the day death or any other terminating event provided in this Act occurs. An annuity otherwise payable from the fund on or after date of enactment of this Act shall terminate (1) in the case of a retired employee or Member, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs."

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the amendments made by the first section of this Act shall be paid from the civil service retirement and disability fund.

Approved September 6, 1960.

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